

Summary Minutes
City of Sedona
Historic Preservation Commission Meeting
Vultee Conference Room, 102 Roadrunner Drive, Building 106, Sedona, Arizona
Monday, August 10, 2015 – 4:00 p.m.

(5 minutes, 4:00 - 4:05 pm for items 1 - 4)

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

Chair Unger confirmed the meeting was properly noticed, called the meeting to order at 4:01 p.m., and led the Pledge of Allegiance.

Roll Call:

Commissioners Present: Chair Brynn Burkee Unger, Vice Chair Ann Jarmusch and Commissioners Jane Grams – arrived at 4:04 p.m., Allyson Holmes, Charlie Schudson and Steve Segner. One position is vacant.

Staff Members Present: Warren Campbell, Karen Daines, Audree Juhlin, Cynthia Lovely and Robert Pickels.

Council Liaison: Councilor Scott Jablow

2. Commission and Staff announcements

Chair Unger referenced information sent to Audree to accompany Audree's letter to SHPO concerning the Certified Local Government (CLG), so she wanted to remind the commission of what was done last year, which included the new Historic Resource Survey and in June, we gave direction on two buildings included in the survey. In August, we did a Certificate of Appropriateness for the George Jordan Sales Building. In October, we had a special meeting about rehabilitation, renovation and preservation of the Nininger House, and in our regular meeting, we reviewed a Minor Amendment to the Community Plan that was approved on the Williamson House and discussed preservation philosophy and possible amendments. In November, we had a Certificate of Appropriateness on the Nininger House, and in January of 2015, we did a Certificate of Appropriateness for the Gassaway House. In March, we had a retreat, and in May, we discussed the amendments to the Land Development Code, so it was a very productive year.

Audree Juhlin introduced the new City Attorney, Robert Pickels, who started about three weeks ago.

Commissioner Schudson indicated that he had a multi-part announcement explaining the circumstances under which he is here today and the reason for his relatively brief participation today. He will be staying through the approval of the minutes and the public forum, and he was hoping that we might be able to figure out the time for our next meeting while he is here, so he can have his calendar and see that it will work, because he assumes the next meeting that would fall on Labor Day wouldn't be. Audree Juhlin pointed out that the agenda states that the next meeting is September 14th, but we are getting out of alignment of announcements. Commissioner Schudson explained that the 14th would be Rosh Hashanah and the 21st would be impossible for him, so he was hoping to work with you on that. In any event, the circumstances under which he is here and why he will be leaving in a relatively brief time is that he had hoped that at this meeting we would be addressing some issues that he suggested as an agenda item to Chair Unger before the agenda came, and she agreed that it was an appropriate agenda item that deserved prompt attention, so he assumed it would be on the agenda. When he received the agenda, he responded that he would like that item added, and he was informed that after considerable back and forth between Chair Unger and him, it was deemed by some not to be appropriate for the agenda. He couldn't image on what conceivable basis it was not an appropriate agenda item involving the commission. He was asked if he would meet privately rather than raise it before the commission, and he was without a doubt utterly convinced that to do so would be a violation of the Open Meeting Law, so he declined to meet privately on a matter that he thought was certain to be appropriate for commission

attention. Where things were left was that he asserted that it was appropriate for the Chair to agendaize this. Chair Unger was uncertain about that, and we went back and forth by phone and email on that, and where things were left as far as he knows was that it won't be on today's agenda despite his continued efforts to have it agendaized. Until it is agendaized and addressed by the commission, he does not feel in good conscience that he can continue to participate for reasons he will explain – not today, because it is not on the agenda. He asked that it be on the agenda with the addition of his consideration of why, due to these subjects, he would be considering resigning from the commission with deep regret, and so, where that leaves us is not even able to mention what the item is or address it with the assurance that it will be on the agenda for that next meeting, but because it is of such a nature where he wants the input of all of the Commissioners, and because it is pivotal in his determination of whether he will continue at all on this commission, and because whether or not he will continue, it is of such significance that every Commissioner must know the reasons why, despite his devotion to this commission, he would leave and resign from the commission. And, whether or not he continues on the commission is a little moment compared to the significance of the issue that he believes has to be of concern to all Commissioners individually, so he is here as a loyal member of the commission for now, giving serious consideration to resigning from the commission, hoping for input from all of you he respects very much, so he would be able to make a careful and reasoned decision about whether to resign and to make sure that everyone knows that while he would be resigning, they can in turn can evaluate the significance of that for the commission going forward. So, he is hoping as he has been assured, this item will be agendaized for the next meeting and that the next meeting will be set on a day when he can be here, lest it be a futile attempt to set this on an agenda with the mystery still to be addressed, so that is the sum and substance of his announcement for the day, and he would ask your forbearance in at least looking at a calendar, knowing that the regular meeting would be on Labor Day, so we will probably be looking for a different date, and he is hoping for your consideration in allowing that date to be set when he would be available.

The Chair confirmed with staff that agenda item 9 could be addressed before agenda item 3 and the items to be on that agenda could be discussed. There was no objection by the commission.

9. Discussion regarding future meeting dates and future agenda items (5 minutes, 5:35-5:40)
• **September 14, 2015**

Commissioner Schudson indicated that he would be unavailable from September 3 to September 16. Commissioner Segner noted that he would be unavailable until the last week of September. Commissioner Grams indicated that she also would be unavailable the first part of the month, and Commissioner Holmes indicated that she would be unavailable the third week of September. Commissioner Schudson then added that he also would not be available September 21. It was then determined that September 28 would be the date for the next meeting, pending room availability. Audree Juhlin will advise the commission.

Chair Unger indicated that in terms of discussing what Commissioner Schudson wants to put on that agenda, a lot of the things being discussed today will be continued, but she doesn't know how else we place items on the agenda. Basically, she works with staff in making the agenda and she has never been under the impression that she actually makes the agenda nor that it is all under her control, but she is the Chair and feels she should have some leeway in that, but she needs some idea as to what we need to do with Commissioner Schudson's suggestion.

Audree Juhlin explained that if it is an item that falls within the commission's responsibility and authority, and the commission wishes the item to be placed on the agenda, we can do that for the next available meeting, but we need to make sure that the agenda item is specific enough that the public knows what is being discussed – it can't be too broad. Chair Unger asked Audree if Commissioner Schudson could provide an idea of what the item is, and Audree Juhlin indicated yes, if the Commissioner can indicate what the item is, the commission agrees, and it falls within your purview.

Commissioner Schudson stated that the item that he would like for the commission to address is Communication with city staff, Compliance with the Open Meeting Law, and consideration of his resignation from the commission. Chair Unger then asked if that is specific enough and Robert Pickels explained that is a compound item of three different things being proposed, and he doesn't know that the latter has any relevance in regard to specific obligations and responsibilities of this commission. The other two are within the purview of the Chair's authority to agendaize those items if you feel it is beneficial to the commission to discuss them. Typically, unless there is an established protocol for a number of Commissioners to agree to have an item placed on an agenda that falls within the authority of the Chairperson.

Vice Chair Jarmusch asked Commissioner Schudson to tell the commission the relationship between the three items, so they could all be agendaized, and Commissioner Schudson indicated that the manner in which the first two items are addressed will determine whether he resigns. Chair Unger noted that doesn't reflect on the commission, so the first two items could probably be agendaized. Robert Pickels recommended that if there is some specific element of a communication issue or plan, etc., that needs to be discussed, there needs to be that level of specificity. If there is something that any individual, through the Chair, would like to have on the agenda, it has to be specific as to what the outcome is suggested to be. Talking generally about an issue is typically not specific enough.

Commissioner Schudson asked if compliance with open meeting law isn't pretty specific, and Chair Unger indicated that is specific, but in terms of communications, would it be how we can further or have better communications between the commission and staff or does it need to go further than that? Robert Pickels indicated that you would have to identify a proposal being brought forward for consideration to the commission. Commissioner Schudson stated that he is willing to be more specific, but he has received the strong impression over the last several weeks of trying to get this agendaized that it would be more discreet to leave it a bit more general, so as not to embarrass anyone or highlight anything, and with that as we were negotiating whether we could address this, he had mentioned that if this is something of concern, he is perfectly open to the prospect of addressing this in Executive Session, should such a potential exist for handling certain things in a more confidential manner. He doesn't care; he doesn't care about the manner in which we address this. His goal is not to accuse, embarrass or seek publicity; his effort is to bring something to the attention of the commission that he thinks is extremely serious – so serious that in his estimation, it has brought about non-compliance with the Open Meeting Law. He is sure through no malicious intent, but through misunderstanding, it has happened more than once in a very different way, and that is extremely important for the function of this commission. It also relates to the relationship the commission has with staff and the extent to which the commission has authority, autonomy, discretion, and the opportunity to do what in his opinion it is charged to do. He is happy to be more specific; he wanted to have a full airing today, but he doesn't want to jump the gun and be so specific that it would be alarming or embarrassing for anyone.

Robert Pickels explained that is why the best suggestion would be to have that discussion at the staff level. As long as it is less than a quorum of this commission, there is not a violation of the Open Meeting Law. He brings a certain expertise in Arizona Open Meeting Law and anything less than a quorum can be discussed at that level. It would be no problem for us to meet with yourself and another Commissioner to talk about this, then we could narrowly define what the issue is and bring it forward for the commission.

Commissioner Schudson stated that is not acceptable to him, and let him be perfectly clear about why. He will be blunt; he has the strongest impression that over the last week or two, there has been a concerted effort to prevent this information from coming to the commission. There has been a concerted effort to take him aside and bury this, so there couldn't be possibly any discomfort or embarrassment for anyone. It is his estimation, having had considerable experience with Open Meeting Laws himself that this is exactly what Open Meeting Law is intended to prevent. There is utterly no question that compliance with the Open Meeting Law is of significance for the commission as a whole. Understanding how we communicate with each other and with staff is at

the heart of our ability to function in a lawful manner in compliance with the Open Meeting Law – that is nothing that is to be taken through that door into a private meeting.

Robert Pickels noted that this is going well beyond the scope of trying to decide whether or not the item should be on the agenda. Commissioner Schudson stated that he disagrees, to explain why something should be agendaized is at the heart of determining whether we agendaize it. He wanted to keep his remarks as brief as possible; he is being challenged, however, on the propriety of whether this gets on the agenda, and thus, he has every opportunity to respond to that. He has done so in a courteous and respectful way, and it is now the Chair's call.

Chair Unger stated that Commissioner Schudson indicated that he wanted to talk about the Open Meeting Law, and as she understands it now, we can put that on the agenda. She then asked Commissioner Schudson if that is going to work for him, while staying within the boundaries of what that is. Vice Chair Jarmusch noted that Commissioner Schudson indicated compliance with the Open Meeting Law and we have had several presentations on what that means for us, and she wonders if we can't simply schedule an Executive Session for the next meeting. Chair Unger noted that she doesn't think the commission has the possibility of scheduling an Executive Session; this commission really doesn't have that built into what the commission does, so she doesn't know if there is a way of doing that.

Commissioner Segner indicated that, not knowing the subject, he has been on the commission for seven or eight years, and we've always just said that we are going to have a discussion on the next agenda, and we would pick the subject and have a discussion. It has always been very simple and straightforward, and that is what we need here. If we need a discussion on the Open Meeting Law and the relationship between the commission and staff, then that is it. We've never had a problem putting anything on the agenda in the seven or eight years he has been here.

Chair Unger indicated that if we couch this item on the agenda as being about the Open Meeting Laws, but again, it slides out from under her as to how to do this in a way that sounds specific enough, but it sounds like we can put on the agenda an item that speaks to the Open Meeting Law and our relationship as a commission to it. She then asked if she could do that, and Audree Juhlin indicated yes, we can have a discussion about compliance with the Open Meeting Law. Commissioner Schudson stated that under that umbrella, he would be able to address all of the things that he hopes to address.

Chair Unger then asked Robert Pickels if that works and Robert replied that without knowing the intended subject matter, candidly, he has no idea what the intended discussion is to be . . . Chair Unger then indicated that she has struggled a lot of times with these kinds of things, because trying to be specific on an item, she understands that too, but trying then to be more specific than that, any of these discussions that we have here, she has to settle it down to sticking to that point and that probably will be her job to make sure that we continue the discussion about that specifically and that it doesn't go beyond that. That would be her job as she sees it; Robert Pickels agreed.

Chair Unger then explained to Commissioner Schudson that she will put that on the agenda, but if she feels we are wandering too far from that point, then she will have to tell him that we are not going there, but if he feels that he can live within the confines of that, it will be put on the next agenda. Commissioner Schudson stated that Chair Unger knows what we will be addressing, you know what we will be discussing, and he believes that you trust him to do that in a courteous and respectful, substantive way that stays under that umbrella. That doesn't mean, however, that he won't be specific about what he believes to have been violations of the Open Meeting Law and an attempted serious violation of the Open Meeting Law that affects our ability to function.

Chair Unger asked Robert Pickels to be present for that discussion if possible, and Robert indicated that would be his pleasure. Commissioner Segner suggested just saying it is going to be a discussion of Open Meeting Laws and perhaps violations in the past, because that opens up the past discussions so we can say, "Where did this come from?" You can't talk about history if you

don't say it is history, and if that is what he wants to discuss, it is history. He wants it worded in such a way that we don't get shut down, so he wants it broad enough that a discussion can happen. The Chair noted that the commission needs to be careful about how broad that discussion gets.

Chair Unger then asked Commissioner Schudson for the exact wording he would expect her to put on the agenda. Commissioner Schudson stated that he emailed her suggested wording, and we discussed suggested wording to make it even more innocuous, and it is the balance of being broad enough to be innocuous, so as not to embarrass anyone, but specific enough to alert the public as to what is being discussed, so with that, he would come back to about where he began 15 minutes ago – commission communication with city staff and compliance with the Open Meeting Law, but he is open to suggestions.

Chair Unger suggested tying the two together, because that sounds a little too broad. It opens it up so we can talk about all communications, and we need for that to be specific. Commissioner Schudson stated that he has been on the commission about five years, and he has never experienced such fastidious attention to the wording of an agenda item. I trust all the members of this commission and all the members of the staff, the City Attorney; I trust all of you to be discreet, thoughtful, professional, courteous and respectful, and substantive. Frankly, the wording of the agenda item is less important than the execution of our discussion, so he would defer to the Chair to find the wording that best encompasses what it is that we are going to do. If there is some problem with the wording he suggested, he apologizes, he thought it was a pretty fair, relatively specific and relatively innocuous heading that would suffice, but if others want other wording that is okay with him.

Chair Unger indicated that we could do it as “Communications as concerning Open Meeting Laws”, which keeps it a little tighter and doesn't let us wander too far. Commissioner Schudson indicated that he would defer to her discretion on the wording of the agenda item. The Chair then asked Audree Juhlin if that sounded like something that could be put on the agenda. Robert Pickels indicated no; the challenge that he has is trying to identify specifically what the subject matter is of the discussion, which is why he suggested having that smaller group discuss it – not trying to suppress any agenda item from coming forward, but to narrowly define what it is that we can put on the agenda to have the dialogue that the commission wishes to have.

Commissioner Segner again noted that in the past somebody would say that someone is going to speak today about something that is going to happen in two weeks, and that is what we put on the agenda, and then we talked about it. It was never this specific, so it just seems like let's have a discussion a month from now and it will come out, whatever comes out, he doesn't even know what we are going to talk about, but it just seems like this is awfully tedious. Chair Unger indicated that it is tedious, but there is also something here that is sensitive too in that we have a relationship with staff and it is a relationship that we want to make sure isn't endangered by a discussion that is going to be inappropriate in terms of how we handle ourselves with the staff and the other way around too. Most of the time when we have a discussion about something like this, it is in our retreat. In fact, we had a very substantive one last year and it was a time when we could come together in a more open way to discuss it. When we are doing it on a monthly meeting that is supposed to be in front of the public, it is a very different scenario, so we are trying to ensure that it stays within certain boundaries.

Commissioner Segner indicated that if the city had a question that we had broken an Open Meeting Law, they would come to us and we would have a discussion on the break of the Open Meeting Law, so if we have a Commissioner who feels there has been a break in the Open Meeting Law, then the commission has the right to say, “Let's hear what it is.” It seems pretty simple. Commissioner Schudson stated that he agrees.

Chair Unger indicated that we will be putting on the agenda, “The Communications between the staff and the commission as concerning the Open Meeting Laws”. Commissioner Holmes asked about adding suggestions for improvement, and the Chair indicated that kind of gets too broad then.

Commissioner Holmes indicated that to treat the wound, exposure is the first step and we need to discuss how to move forward in a more positive way. Robert Pickels indicated that once we identify the subject matter, you will have the ability to expand upon it during the dialogue. The Chair then stated that we will just put it as that and we can go from there. She then asked Audree to put that on the agenda for our meeting on the last Monday of September.

Commissioner Segner indicated that he would suspect that is going to be a long meeting, so we should book more time; an open longer meeting is always good as opposed to a short meeting. Audree indicated that if the room is available, she will be available, so we can accommodate that.

Chair Unger indicated that we will see if we can start an hour earlier, and then noted that she will not be available on November 10th, so we may have to readjust that meeting.

3. Approval of the July 13, 2015 minutes

The Chair asked for a motion to approve the minutes.

MOTION: Vice Chair Jarmusch moved to approve the minutes of the July 13, 2015 meeting. Commissioner Holmes seconded the motion.

Commissioner Segner indicated that as a procedural question, we talked about when somebody comes to the counter and wants to do something on their property, a counter person would answer their question within 48 hours or whatever, but there was going to be a second opinion where it was the counter person or you and the head of HPC that would sign off together, to ensure that it wasn't strictly a staff okay, and you said you were going to do that as a staff directive, as opposed to putting it into . . . , Audree agreed and explained that policy is how we process it and the ordinance would not include what staff members process it, including working with the commission. The Commissioner then indicated that his question was as things go two years down the line, if it is not written down, it could be changed, so all of a sudden it becomes a staff function. Audree then suggested that, if we want to talk about that, we discuss it under that agenda item. Chair Unger agreed and noted that we will be discussing that and where we are, because we have a lot more to look at with that.

Commissioner Schudson indicated that there were two items in the minutes to which he took mild exception. He emailed Donna and asked for the corrections and additions that he suggested, and she emailed back saying, "No can do". He responded that he believed that she had discretion to paraphrase and summarize as is appropriate, and he was suggesting these two little changes or additions, and still got pretty much a no can do, but she did constructively suggest that another way to handle this was just for him in this session to make note of his reservations about the minutes as written, and that is what he will do. One point in the minutes, he is quoted accurately as referring to the "idiot lawyer" and asked if she could insert in brackets "indicating himself". He thinks it was apparent to everybody here that he was offering self-effacing facetious comments, as he gestured to himself and said "idiot lawyer", but since it wasn't there, he certainly didn't want anyone, perhaps even a new City Attorney who wasn't even there, to think that he was referring to anyone but himself. He was told no, that couldn't be done, so he wanted to clarify for the record that as far as he knows in the whole city of Sedona, there is only one idiot lawyer -- it is me, and that was his reference. The second point where he wanted modification was that the minutes read that he interrupted Audree, and he wanted clarification in the minutes that he had asked James a specific question, directed clearly at James by word and eye contact, and that as he believes James was about to answer, Audree attempted to answer the question, and he attempted to preserve James' opportunity first to respond to the question, and he supposes in a literal sense one might say that he interrupted Audree, but he didn't view it as an interruption or anything impolite, but rather an effort to preserve James' opportunity to answer his question, so with that clarification, he is content and he doesn't have anything more to say on that point.

VOTE: Motion carried five (5) for and one (1) opposed. (Commissioner Schudson was opposed and one position is vacant.)

4. **Public Forum: For items not listed on the agenda within the jurisdiction of the Historic Preservation Commission – limit of three 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 opened the public forum, and having no requests to speak, closed the public forum.

5. **Discussion/possible action regarding possible amendments to Article 15 (Historic Preservation Ordinance) of the Sedona Land Development Code (30 minutes, 4:05-4:35)**

Note: Commissioner Schudson excused himself from the meeting at 4:44 p.m.

Chair Unger indicated that the commission had a really constructive discussion in the last meeting about a portion of the Land Development Code, Article 15, while only speaking to one point and that was the Certificate of No Effect. As a commission, we made a motion and passed that motion, but as she went back through the minutes, and she and Audree have discussed it. It was very difficult to actually nail down exactly what that motion was, and although she would like to stand by the fact that it was made and accepted, we have a lot more to do here. At one point, Audree said that we could incorporate all of the different portions of this into one motion, even though that motion had already been made and seconded. The Chair then asked if going forward we could fold that into another motion, because she doesn't want it to go to P&Z with multiple motions. She would like to make one motion about the entire Article 15.

Audree Juhlin explained that her concern would be if anything from the past meeting to this meeting is contradictory to the previous motion of recommending moving something forward, so if we do have anything in conflict with that, we need to address that through a motion.

Vice Chair Jarmusch suggested not put anything more forward today, because there are editing errors, repetitions and the word "is" should be used where the word "are" is, so it is confusing whether you mean the building or the building codes, and she also found that in the code itself, we have the word "construction" defined in two different entries, and they should be united. One is about building from the ground up and the other is about constructing a new gazebo or a new porch on your historic home, so there is a lot in here. Also, it is imperative that we strengthen the language about maintenance and repair to say things like, on page 3 in the long red paragraph, the first sentence says, "Each property designated as a landmark and properties designated as contributing properties within a historic district shall be maintained," and she would like to insert, ". . . in a stable weather-tight condition that is also faithful to its historic character and appearance."

Commissioner Segner noted that we then need to work on this, and Vice Chair Jarmusch indicated that she would be happy to volunteer to do something in the next 10 to 14 days as a draft that could be circulated before the next meeting. Chair Unger stated that she liked Vice Chair Jarmusch's suggestion, but she would like to discuss this because of the different ideas that have been proposed for change, and she would like to have an idea from all of the Commissioners to ensure we are on the right track. James did a very good job of pointing out where we need to look at this. She went through the whole Land Development Code, and then pulled these things out that need to be changed, and she felt that they were really important changes that need to be made.

Audree Juhlin explained that at the last meeting, staff told the commission that this is just some ideas, and we never meant for anything to necessarily be moved upon. We did have the wordsmithing and wanted to the commission to look at the concepts to ensure we are on target with where the commission wanted to go, so she agrees with and supports Vice Chair Jarmusch's recommendation, but she would further it to be a complete review of Article 15, and not just that part that James did, because the whole intent was to do an overhaul where appropriate in the entire ordinance, not just that Certificate of No Effect.

Commissioner Segner indicated that he likes the idea of Vice Chair Jarmusch going over it; we have to have somebody who starts it, but the question is if we are allowed to pass it around. Chair

Unger stated that she doesn't think we can pass it around and have everybody make comments on it. Vice Chair Jarmusch can review it and send it to us, but we can't comment on it until we come to the next meeting. Audree Juhlin clarified that Vice Chair Jarmusch can review it and make some notes, and we can distribute that as information only, not as a discussion point, and you then have the ability to review it in advance of the next meeting. Then, all of the discussion will take place in the meeting, but it is for informational purposes only.

Chair Unger noted that there is a lot in here and changes need to be made, because we are doing a Certificate of No Effect, but also the maintenance and repair part is very important, and that wasn't even discussed at the last meeting. The other thing we did discuss in the last meeting that she would like more feedback on from the commission was the City Council's concern about how absolutely uninviting all of the words here are, although she doubts that we can do something that is really inviting, because we are trying to enforce the rules, but maybe we could interject the mission statement of the commission, so it looks like we are not just doing enforcement, but also are trying to keep our historic landmarks, but she doesn't know if that is something Vice Chair Jarmusch can consider as part of this. Audree pointed out that as part of the purpose that would be appropriate.

Chair Unger then asked for other comments, and Commissioner Segner indicated that we need to keep in mind that the last City Council or the one before was worried about people's comments, and he really doesn't care about that. The important thing is that this is the rules set-up to protect the buildings and they shouldn't be political. We have to have very strong rules about how things are done, and he doesn't like the idea of any one person making a decision. We have a commission of people who have gone to classes; some are experts at different things, and when it comes to anything that happens on a building, two people need to be involved. Chair Unger added that was sort of the motion that was made last time, but she has to agree with Audree about what the motion said; it got so convoluted, we sort of lost it. As much as she had a hard time trying to figure out a way to say what Commissioner Schudson wanted to do, she had a hard time in the last meeting.

Commissioner Segner stated that the discussion was pretty clear in that the idea was if you have a counter person who didn't know the subject, they would make a phone call to the Chair, and if the two agreed, they would proceed, but if they didn't agree, it would come back to the commission, so he would like to see some checks and balances put in there, so somebody can't say that the counter person said that they could do it, and they make a wrong decision, then that counter person is in trouble and we don't want that. We want them to have 48 hours and make a phone call, but if the two of you disagree, then it would have to go to the next meeting. That is a nice structural way to make sure nothing slips through, because it almost happened on the rock house on S.R. 89A, when they wanted to put in metal windows. We caught it at the meeting, but we could have caught it earlier, and that is why we need that process in writing.

Chair Unger indicated that Audree came up with a brilliant idea of adding something to the survey, and it would be a big help for city staff and the commission, but that is process and something that we could work outside of the amendments to the Land Development Code. Audree explained that we need to ensure that the ordinance is written so it allows for that to happen, so we are talking about contributing and non-contributing factors to a structure, and as long as the language discusses that and gives the ability to implement it, there wouldn't be an issue. The Chair then asked if when Vice Chair Jarmusch is looking at rewording this, would it be important to put that in, and Audree suggested that Vice Chair Jarmusch and staff tag team it and work together; staff could provide some language and Vice Chair Jarmusch could wordsmith it or something like that.

The Chair noted that they didn't see any other community doing what Audree suggested, and she thought it was a brilliant way of making sure we understood what we were looking at. Audree indicated that in talking about process, which we didn't get to in the last meeting, once we have a document that the commission is comfortable with, before making a motion recommending it through the public process, we usually have it go through our city staff and City Attorney's review

process, and we haven't done that yet, so before making a formal motion, we need to make sure we take it through Legal.

Chair Unger noted that a motion was made and the commission likes to get things done, because it is easy to discuss a lot of stuff and not have anything happen, and Commissioner Schudson wanted the commission to make progress with that, but her feeling is that she still doesn't see that as a motion that was too clear, and she doesn't know what the legalities of that are, but is it possible for the commission to wait until we have the whole thing, and then incorporate it back into what we offer or do we have to offer that as a motion. Audree indicated that staff would get back to her on that. The Chair indicated that she read it twice and she understands what Commissioner Segner was saying, but it was the wording of the motion. Commissioner Segner added that it was gone over many times and Audree noted that it was amended like three times, and the Chair noted that she just got lost in the language, so she would like for the commission to look at that and be sure, because she would rather it be clear and be incorporated into the entire body rather than just in pieces.

Vice Chair Jarmusch stated that she wanted to make an appeal, because she knows this is tedious to go over, but it is so important and she is going to have her thoughts and experience, like for not changing the exterior, we need to add walls. We have so many great stone walls around here and that is not in the list, and things like that jump out at her, but there will be things that jump out at all of you and if you don't mind really going over it. Chair Unger agreed that all of the Commissioners need to read it again. Everybody probably has on a cursory level, so maybe look at it a little closer.

Commissioner Holmes asked if the Commissioners are allowed to individually contact Vice Chair Jarmusch and Chair Unger stated no. When Vice Chair Jarmusch brings it back, if there is anything else we see, then we incorporate it. Vice Chair Jarmusch noted that she will do color coding like James did, and Commissioner Segner noted that is a good process.

6. Discussion/update regarding the City's Master Planning efforts related to the City-owned historic USFS House and Barn (20 minutes, 4:35-5:05)

Cynthia Lovely indicated that at the last meeting, we had a discussion about the Ranger Station Park Planning, and this time she brought more specifics, including a summary of the planning process so far. We are working with a volunteer work group and started with all of the comments received at the Open House on May 30th, which is on the website. She didn't print the whole list, but there is a summary on the second page. Basically, the work group has been going through the list and came up with some goals based on the Community Plan, as well as the comments received. The idea of having the goals on the bottom of the first page was that as we go through the list of suggested items, we have some parameters.

Cynthia indicated that the primary goals were a community gathering place; being historic landmarks, we have honoring the history; walkability and connectivity; and the group believed that they would prefer a quiet, natural setting, which kind of came out of a lot of the comments; sustainable and organic design, and then incorporating the arts. They also talked about considering a variety of use for a mix of people, avoid duplicating what already exists in the city, because we received some suggestions about things we already had in other parks, and what we heard from the neighborhood was to consider parking needs and traffic impacts, and also to consider revenue potential and operational costs, so as we went through the list, those were the things to keep in mind.

Given all of those goals and considerations, the top of page three has the top ten things the work group came up with that, but again these are not final. We want to hear any suggestions that the commission has, but in the top ten ideas for the barn would be a community event facility that would be rentable by the public or for community events, and the idea is ideally you would renovate and open up the barn, removing a few walls to make a larger space, and then on the house, the top idea was to use that as a community meeting place for organizations, clubs, and anyone who

wanted to rent it for their use. Those are the two primary ideas, but there are other ideas floating around and the group is still investigating some of those. As far as the outdoor area around the buildings, everyone liked the idea of an open lawn, similar to Sunset Park, which gets a lot of use by a lot of different people for different reasons. The closest example of another suggestion heard would be at Flagstaff Heritage Square where if you had a considerable lawn with a hardscape, maybe a bricked-in area, you could hold events or gatherings and that could be possibly between the barn and the house, so you would have a variety of different event spaces for use.

Cynthia explained that probably what the group was hearing the most was just a place to have picnics, a very simple thing with picnic tables scattered around the park. Most people said ideally with shade, so under trees, and the other suggestion was to have a perimeter walking path around the outside of the park. If it was done on the far outside of the park, you could probably get one-third of a mile trail around the property, and then a play space. We indicated play space instead of playground, because the idea was to come up with a more natural playground, instead of the typical plastic primary-color playground. Another idea was for a group pavilion, which would be an outdoor shade Ramada and that is not in the top five; people debated if that would be necessary if you had the different event spaces, but people did like the idea that it could be something you could either rent or it could just be open for use at any time. Then concession spaces actually grew out of a comment at the Open House that people jumped on, and originally they were proposing a coffee shop in the house. We discussed that the benefit of that was that it would draw people in to use the park, but there were many drawbacks, so then a suggestion was food trucks instead of occupying the house with a coffee shop. Maybe there could be dedicated spaces for food trucks, then if it didn't work out, there would be no great loss, but it also would provide the benefit of drawing people in. There were also a variety of suggestions on gardens, and the ones the people preferred the most were like demonstration gardens, xeriscape gardening with native landscaping, and there were suggestions about landscaping that might reference the history of the area; for example, orchard trees was an idea.

Cynthia indicated that those are the top ten and asked if the commission had any comments or questions. Councilor Jablow asked if there are any food trucks available in Northern Arizona, and Cynthia stated that they come through town and ask for spots; our code maybe doesn't really allow it at the moment, but perhaps in the future, it would be something to consider. The Councilor noted that people had approached him about having a farmers' market there year-around, and that didn't make the list; he goes to the Farmers' Market every Friday. Cynthia explained that they didn't add farmers' market, because it was just considered an event that could use the space.

Chair Unger indicated that she and Vice Chair Jarmusch had a concern in the last meeting that it looked like we weren't going to be able to do anything commercial with the buildings, given the monies that were spent, so the question is if we are able to do these things. She was taken aback by the list of things that weren't supposed to take place on that property. It stated, "Parks and recreational facilities larger than thirty acres if the facilities provide a direct benefit to the development. Park and recreational facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities. . ." Those are all things they said we could not do, so how are we getting around those particular things in order to do that? Certainly this is not an authority of historic preservation, but having it brought to the commission that you can't have arts and culture facilities, bandstands and orchestra facilities, ". . ., bathhouses, boathouses, clubhouses, community centers greater than 3,000 sq. ft. in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, zoo facilities or similar recreational facilities, but may include swimming pools." She is still wondering what exactly that is about. The list is great; the thing that the commission would worry about is if it would affect the look of the property around the barn and house, and everything you are saying is very positive. She doesn't see anything that the commission would object to, but when she read this, it was just her curiosity.

Cynthia indicated that she doesn't think anything being proposed is on that list, and Audree Juhlin explained that the overall premise for the site is that it is going to be a park, and the primary purpose is for it to be a park site. We may have some of these other uses thrown in throughout the year, or as needed, but they are not the primary purpose, so you can have a farmers' market on a special event basis. The Chair repeated that when the commission looked at it, she went, "What?" Audree added that if you made one of those things the primary purpose, it would be questionable and we would have to see if Legal could back that.

Commissioner Segner indicated that the group a great job and is like 95% there. His comments are that he is a big fan of architecture in time and place, and that means that for his hotel, he picks a time and builds everything architecturally to that time, so he is concerned in that most cities hire an architectural firm and all of a sudden the newest trendy plaything comes in and it doesn't fit, so one item is that for everything you do, pick a time like 1920 or 1926 and ask if the things existed at that time. It helps in the planning, and if you build a structure, it won't be Victorian, which could happen with a gazebo. If you say in the 1920s or 1930s, it was a federal barn built for the WPA, so what else would they have built at that time and what would it have looked like. Then 10 years later, people will say this is really an old park, and that is so important, because architects don't normally do that. You have to guide that structure, and keep it in time. The other thing is there is parking across the street, so let's try to use it, and don't over landscape. If you can plant as opposed to build, plant even though it takes time. It is a lot less money, and if you get the community involved in the landscaping, people will help and that makes it more of a community park. It can grow organically and doesn't have to be built all at once. It could be a five-year plan with the apple orchard going in year three, etc., and the far end could still be dirt where they could park, you don't need to pave it; he went over that there, but he wanted to repeat it with this group to see if he is on track, and the Chair indicated that he was.

Chair Unger noted that dictating it by the time the buildings were built actually helps in maintaining it in the way it already looks. If you go back in time to what that looked like, all of the things you are talking about in terms of being peaceful, etc., fit so well with looking at this as developing it around what those buildings looked like as they were built, and that is probably what the recommendation from the commission will be. She would also agree that overbuilding would be destructive to the buildings themselves, because in reality, the only thing the commission should be concerned with is that the buildings look like what they did when they were built -- that is the main concern, but what Commissioner Segner proposed would ensure that it would stay within that parameter.

Vice Chair Jarmusch stated that it would be useful if the commission voted on a period of significance and have the house be the first date and the barn be the end date, to say those are the parameters for the building technology, color palettes, etc., and that other things could be built today, but we don't want them to look like those buildings; these are our icons. Chair Unger noted that she is looking more at them just landscaping the outside, but if anything were to be built, it is true that it can't look like those buildings, because then we endanger the landmark. Commissioner Segner stated that he just didn't want any Mylar-covered sunscreen. It would be a wood structure or something like they would have built in those days like raw wood. We don't want a children's playground with those tents, etc. It isn't something to mandate, it is just an idea to keep in the back of your mind and as long as everybody knows that, it will happen.

Commissioner Grams indicated that Commissioner Segner stated some key areas that she agrees with, particularly about the wood. Children in that era were in swings with ropes and a wood plank; it should be done safely, but it should be a couple of them hanging from the oak trees. If you are going to have anything they climb, it should be wood. Take them up (audio unclear) and have a little bench, etc. She sees a relationship of combining to be just one thing; it is either a nice courtyard that can be used for the same purpose as a group pavilion, it just needs to be made large enough -- no big roofs and tops and stuff like that. If somebody comes in to use it in the summer, there are many fine commercial companies where they can rent a temporary tent to cover it, if they have that type of thing. In the house, she didn't go through the house, but it would be nice if there were one or two people in the city or some community art group, garden group, etc., that could

have an office there Monday - Friday; it would help security. There is nobody in any of those buildings and there is nothing around; it would eliminate the need for maybe police surveillance constantly, if you have something in there with a couple of cars parked, etc. It would make it like there is some life and supervision there, and you should think about that. She doesn't know what it would be, but there is something within the city that could work there. Commissioner Segner suggested the Sinfonietta and Chamber Music, and Commissioner Grams added it is just the need of life that somebody would be at the park. She agreed with much of what Commissioner Segner was saying in that it should be very natural, stay with low maintenance, low water-need plants, etc. She is a Master Gardener and she would love to be involved if there is going to be a planting involved with this. Her abilities are somewhat limited, but she could still do quite a bit, and she doesn't know if there are enough Master Gardeners around here that might be possible helpers, but there are a lot of people in the community, and she knows that she could recruit at least 10 out of her neighborhood. There are a lot of people that love this community and love the parks, and they want them to be natural. She supervises their park in their community of 86 homes, and they have over two acres, and she has been busy redoing it into low-maintenance rocks, plants and things that are natural in certain areas. They will take an area that is red clay and try to plant a lot of things that need water and nourishment, so she is putting in some beautiful boulders, cactus, etc. When it is designed, that should be worked in. The weeds were so high and all, if there is anything that has been cut, she would love to go back over it. She is sure there are areas that could be different.

Commissioner Holmes indicated that she truly enjoyed being involved in this, and agrees with the direction it is taking. We were talking about hopscotch, rope swings and horseshoes, etc. Commissioner Segner indicated that one comment that came up was that when you lay out the plan, you might form a subcommittee for planting, not of the regular group, and they would take on the whole planting layer of it. He doesn't think you would have to buy anything if you do it right. He would buy a ton of trees; people would buy trees and put a little plaque by it, so 100 years from now, there is your tree. Get some people in town who are planters and can put the plan together; it will save some money and make it a community effort, and he is going to fight you on the lawn, because he would like a little lawn.

Commissioner Segner stated that the Design Group said that in all of their paperwork, it does have water rights from the well. Cynthia indicated that she read the water rights document said that once the property leaves the Forest Service, it reverts back to the property . . . , the Commissioner interjected that they were pretty adamant and they built into their plan to use the water rights, when they were going to develop that, so he will check it one more time. Cynthia added that it didn't appear that we have water rights, and Audree indicated that the Legal staff could research that too. The Commissioner then noted that it is kind of important, because it is free and we might be able to work something out regarding the Owensby Ditch too.

Chair Unger indicated that the little park in Cornville was brilliant, and they just did a lot of natural stuff, so it is simple and beautiful. Warren Campbell noted that a significant element of the park, in the visit we had with Commissioner Segner, is the perimeter wall and what you can do with that wall that separates the accommodations on the other side, so there was a whole element of landscaping discussed, including art. The Chair agreed, but noted the commission's limitations in terms of suggestions, although we could certainly suggest a lot of these things, but this is all wonderful. She thanked Cynthia and indicated that she was glad it was clarified.

The Chair then asked about the city making money with it, and Cynthia noted that the spaces in the barn and house would be rentable, so that would be a source of revenue. Chair Unger indicated that when the commission argued for the city buying it, it was that there could be some revenue generated by it. It might not cover everything, but at least there would be some income from it.

Councilor Jablow asked if there could be square dancing in the barn at night with noise restrictions on that for the neighborhood, and Cynthia indicated that it would just be the usual noise restrictions. Commissioner Segner noted that he doesn't see a problem with noise; he is trying to put together a

pottery show, and we don't have a public space, so we could have a pottery show one weekend and a plein air painting the next. All the little art groups could have their little cocktail parties, etc.; it would be perfect for that. Wednesday nights in June, you could have an outdoor projector and sit in lawn chairs. He sees it as an adult park.

Vice Chair Jarmusch stated that she would like to have some modicum of horses there, because they are part of the history, and maybe a blacksmithing demonstration. Commissioner Segner indicated that a lot of ideas that we didn't even think about will develop after we do this.

7. Discussion regarding the 2015 State Historic Preservation Conference (15 minutes, 5:05-5:20)

Chair Unger indicated that one thing that was really interesting was the Arizona Downtown Alliance Mobile Lab, and it talked about how all of the business owners in downtown decided to join together to make the downtown what it is. They said when they first started it, they thought if they joined the group, they would lose some of their clientele to their neighbor, but it didn't do that, it actually expanded it. Then preserving a sense of place, they talked about buildings that were not landmarked. They were buildings that they made into restaurants and bars, etc., all through the downtown Phoenix corridor, and that was fascinating. It pointed to so many of the buildings here that were never to be considered historic, and they were able to take that structure and make something of it, so the commission needs to be aware of the buildings in Uptown that very well could come into the purview of the city saying let's build a new building, and maybe we could argue that those buildings in Phoenix have developed into some of the hottest places to go to in Phoenix now. There were a couple of architects similar to the Design Group that did most of those, while saving a lot of money. When you destroy a building and take it to the dump, how much are you wasting in terms of landfill? It is a very green way to look at our city and as Historic Preservation, we need to be aware of that when we see something that isn't landmarked or on our list. It is something that we could talk to the owners about. The green lab was rehabbed rather than torn down; it was almost the same thing.

The Chair indicated that the other thing that was really interesting was that they have a Historic American Landscape Survey and she wondered if we couldn't put our Sycamore trees on this landscape. It is the same as landmarking buildings; this is the Federal Government's way of landmarking, so maybe we could discuss that in the future. We do have landscape that we should be considering, but it has to be within the city limits, so we couldn't do anything with the red rocks, but we could with certain landscape features like Oak Creek Canyon, etc., and those things could go onto this register. It is not that hard to do and it is called HALS 101, the Historic American Landscape Survey and she will get Commissioner Grams information on that, because that is something we could look at in the future.

Chair Unger stated that the state is now working on a new state commercial tax credit for historic buildings, and it looks like we may eventually have money that people who own historic buildings and homes would get. The state is working hard to pass this, and it is bi-partisan. They have been working on it for two years, and it looks like they are going to push even harder next year, because they are getting a lot of support from both the Republicans and the Democrats in the House and the Senate, so that is really encouraging.

8. Discussion/possible action regarding a recognition program and/or event for landmarked structures (15 minutes, 5:20-5:35)

Chair Unger indicated that Vice Chair Jarmusch came up with some ideas for a recognition program for historic buildings not eligible for landmark status. We've discussed this for almost two years, and she is really pleased that Vice Chair Jarmusch came up with some ideas.

Vice Chair Jarmusch explained that she did this, because she wanted to put down some thoughts from her point-of-view. There should be a great distinction between historic landmarks and a

recognition program, so we don't dilute the federal program and the prestige that comes with that, because we are still building support for that among owners. This would be a different way of complimenting owners or encouraging them to maintain their buildings, even if they have been altered, and it would be a great source of local pride, but it also has a great danger of being a political reward rather than something of merit that we have a say in. That is why she hoped we could have requirements, not as stringent as when we have a nomination for a landmark, but something serious.

The Chair explained that the commission had discussed that there are a lot of buildings in town with owners that want them landmarked, but the reality is that we can't landmark them, because they have been altered too much. It is a good idea that as Vice Chair Jarmusch stated, we don't accept them just willy-nilly when someone says they have an historic building and want recognition. We do need parameters for it, but there are some buildings like the Max Ernst House that has been altered so much, we can't call it a landmark, but we could declare it historic. Relics has been changed so much, but there is so much history around that place that we could add that to it, and he came to us three times to have it landmarked, but we couldn't do that, because the parameters are too restrictive, and there are other buildings in the area. It could be a pathway for some people, but for the most part, they would be buildings that are historic and have a history to them, whether they are because of what they look like or because of what they were in the past.

Commissioner Segner suggested dropping the word "historic" and use the word "significance", because that is safer. Significance would apply to Tlaquepaque; it is significant in the development of Sedona and it is architecturally unique. He also hopes his building is someday, but the point is if you go to a neighborhood or area and somebody built something that everybody points at and says that is the such and such, that is the building we are looking for. It is the idea, not the building itself, but the significance of the area or the pump house or even if it is new, it might be a modern building built in the '80s, but it is a significant house, so don't paint the commission into a corner. Significant can mean a lot of different things; if it was owned by the Vice President would it be a significant house?

Vice Chair Jarmusch explained that she was keying in on that too, but the working title she came up with was "City of Sedona Special Places Awards", and who wouldn't want to have that? The other idea was as you were saying about Tlaquepaque, and she did nominate El Portal, it is considered a new commercial establishment with a strong sense of place that contributes to Sedona's character such as L'Auberge, El Portal . . . Commissioner Segner interrupted to mention the round house on Airport Road; we could certainly make that a significant building, because there are no restrictions. The Chair noted that building used to be a theater.

Commissioner Segner indicated that we should cut to the quick and Vice Chair Jarmusch should write it up, and we should bring it back and make it happen. Councilor Jablow indicated that what she wrote was beautiful and asked if it also includes some new architecture, and the Chair stated yes. Councilor Jablow pointed out that Mariposa is a beautiful award-winning building that says a lot for the community, and Commissioner Segner agreed, but stated that there should be a waiting period, because one thing about significance, it needs time to mellow and there may be people that hate that building right now, so you need a little period of time like 10 years or something, so people get used to it.

Chair Unger indicated that Councilor Jablow has a point, because we do want this to be a different kind of recognition, and when Audree indicates that the Council says that we are just being negative about stuff, the reality is that we have been. We've had to make a lot of judgments in the last two years, and not easy judgments by any means for some of them, and interestingly enough, she agreed with some of them and some she didn't agree with still passed, and we have had give and take over those years, but this could be something that is a positive thing. We have always been sort of a positive group.

Commissioner Segner asked if this needed to be put in the city plan or anything; it seems that we could get this done this year, and next year go out and find these buildings. Councilor Jablow asked about the criteria and Commissioner Segner indicated that the commission is going to write those now. The Chair noted that the commission could do buildings, landscapes, areas, etc. Commissioner Segner then stated that we will build the groundwork this year and include neighborhoods, buildings, areas, gardens, etc.; there are a lot of possibilities. In Altadena, they said the "City of Beautiful Homes", and it was an amazing town for homes, because every home was built one at a time.

Vice Chair Jarmusch noted that she doesn't think everybody has had a chance to read this, except maybe the Chair, so maybe everybody would like to read it, because she tried to do it step by step, but we should see what everybody thinks. Commissioner Holmes stated that we have some good work in front of us, and she would suggest that the document be rewritten and the program formulated, and then have our party to introduce these documents to our homeowners and the possibility of the next step to the community. We really do need to get some positive going. Commissioner Segner then stated that we could go to the community to ask for people to nominate properties, and we would take those nominations and go through them with our criteria.

Chair Unger explained that she is a little worried about overburdening Vice Chair Jarmusch right now. We will have Commissioner Schudson's discussion next time, which may take awhile, although she is hoping we can keep that to a roar. Audree noted that we don't know what he wants to talk about so . . ., Chair Unger interjected that maybe for this timeframe, if Vice Chair Jarmusch worked on Article 15 before the next meeting, because that is sort of critical, and if all of the Commissioners would look at the list that the Vice Chair came up with that she thinks needs to go into this, maybe at the September meeting, we could take care of the two things that are really critical and start a little of the conversation, and then launch into the other one hopefully after that.

Vice Chair Jarmusch noted that Councilor Jablow pointed out that she had skipped the hard part; she didn't get into criteria and that is where we are going to have a major discussion. The Councilor indicated that it sounds like it will be a lot of fun; it is something really positive.

Commissioner Segner indicated that the City Attorney indicated earlier that we could have a discussion if we didn't have a quorum, so why can't two people meet over coffee and work on an outline. Audree Juhlin indicated that you can; we've never said that you couldn't. The Commissioner then stated that this needs to have that; you can't work alone and that is how this would have to be done. There needs to be a little work going back and forth to get other ideas, so how do we do that? Two of you could meet at his place. Audree cautioned no more than three and don't appoint yourselves. Commissioner Segner stated that Vice Chair Jarmusch could call someone to ask that person to go over it, so she needs to reach out and ask for help. Audree again stressed not more than two other people.

Vice Chair Jarmusch pointed out that this actually wasn't her baby; we've talked about this for two years, and she doesn't even need to be involved with it. Commissioner Segner indicated that if she would start the conversation, then maybe somebody else would take it over. We need someone to own it. Chair Unger stressed that she wants to make sure that we do everything with the Land Development Code first, but at the next meeting, we could take another look at this list and she might add a little and send it out too, but some of the big items on the next agenda will be Commissioner Schudson's and the Land Development Code.

Commissioner Segner then repeated that if someone took it and asked him to review it, and then called somebody else, you would have all of these ideas, and we could just tighten it up at the meeting. Vice Chair Jarmusch explained that she would like to be involved, but she can't do that with Article 15 at the same time. Chair Unger expressed agreement with getting Article 15 done, and then you can start talking about it.

10. Adjournment (5:45)

The Chair called for adjournment at 5:47 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Historic Preservation Commission held on August 10, 2015.

Donna A. S. Puckett, *Administrative Assistant*

Date