

Summary Minutes
City of Sedona
Historic Preservation Commission Special Meeting
Vultee Conference Room, 102 Roadrunner Drive, Building 106, Sedona, Arizona
Monday, October 26, 2015 – 1:00 p.m.

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

Chair Unger confirmed the meeting was properly noticed, called the meeting to order at 1:00 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 1:03 p.m., Allyson Holmes, and Steve Segner. Two positions are vacant.

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

Council Members Present: Councilor Scott Jablow

2. Commission and Staff announcements

Chair Unger indicated that after the last meeting, she spoke with Councilor Jablow and started reviewing what in the Commission Handbook had not been followed by the Commission, so Audree had a very lovely PowerPoint showing all the ends and outs of historic preservation and all of the information in the Handbook, but we will have two new Commissioners at the next meeting, and we need a refresher on what is in the Handbook.

Note: Commissioner Grams joined the meeting at this time.

The Chair continued to say that with two new Commissioners, we will be reviewing everything. Commissioner Holmes asked what wasn't followed, but the Chair explained it would have to be agendized for the next meeting, unless we don't have the new members here.

Commissioner Segner noted that in previous years, Janeen would have a day of training when new people came on. It was usually one-half day, and then half of the day was spent in the car driving to some of the old buildings while we pulled out the paperwork and went over it, and then we came back here, and for the new people we need to do that.

Chair Unger asked if she is correct that we cannot discuss this today, and Audree Juhlin indicated that it is not on the agenda. The Chair explained that she was just announcing that we are going to be doing that.

Commissioner Grams announced that if the Commissioners haven't seen the finished product at the old Jordan Apple Store, it is worth driving by to see. It is on S.R. 89A on the right before you get out of town heading toward the canyon, and it is unbelievable how nice it looks and how they followed our suggestions. Commissioner Segner noted that he had known it as the old feed store, but it was an apple store before that. Commissioner Grams indicated that it is a wellness center now, and they have an elegant sign on the front of the building. It is something to be proud of.

3. Approval of the September 28, 2015 minutes

Approval of the minutes will be agendized for the Commission's next meeting, because of lack of a quorum of Commissioners who could vote on the approval of the minutes.

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**

Vice Chair Jarmusch's review of Article 15 was distributed to the Commission, and the Vice Chair indicated that she was asked if it was just busy work that she was doing like ruling out grammatical problems, and that was part of what she did, but she also wanted to point out some areas that the Commission might want to consider. She removed a lot of prepositional phrases so it is easier to read, but her first question was in 1501.A.

1501.A - Vice Chair Jarmusch asked what the A.R.S. section is, and Commissioner Holmes responded that it is the Arizona Revised Statute. Warren Campbell indicated that 9-462.01 is Zoning Regulations, Public Hearings and Definitions. Chair Unger confirmed that anyone reading through Article 15 could find that statute online, and Councilor Jablow indicated that if you Google the A.R.S. number, it pops right up.

1501.B.1 - Vice Chair Jarmusch pointed out that she consistently made additions, like in "Identify and preserve the historic properties", because didn't want to leave it as historic properties; she wanted to add more definition, so it wouldn't be considered real property in a building sense, it would be sites and landscape components as well, because we want to think about trees, gardens and cemeteries, etc.

1501.B.2 - The Vice Chair introduced the term "adaptive reuse", and this was a suggestion, because that term has come into common use, but she doesn't know that it appears anywhere in the Secretary's standards, although it does in conversation and in articles about historic preservation, so she introduced it here and in the Definitions. The Commission may decide to strike that, but for now, it is in there.

1501.B.3 - Vice Chair Jarmusch explained that she wanted to amplify the civic pride that we are all fortunate to partake in here in Sedona by saying, "Foster civic pride in the accomplishments of indigenous people, pioneers, artists and others of the past", and that grouping is certainly not comprehensive, but she wanted to pick up the most significant and the most in number.

Chair Unger asked the Commissioners if it would be appropriate for them to mark their questions and bring them up if necessary, because as we get farther into this, she doesn't want pieces that might need to be addressed to be forgotten. Commissioner Holmes suggested addressing a section at a time, instead of waiting to the end. The Chair then asked if the Commission would vote on the entire package at one time, and Audree Juhlin confirmed that was correct. The first item to be reviewed is Vice Chair Jarmusch's piece and staff can't weigh-in at this time, since we haven't had time to evaluate it. The second piece is to reconcile the motion that was made in July and figure out what that motion was and what the changes were, and if the Commission agrees to those changes, then that would be incorporated too.

The Chair then recalled that the preference had been to vote on small pieces of this; however, her preference would be to vote on the entire body of this, so in addition to Vice Chair Jarmusch's piece, there were two pieces that we had discussed adding. One was the motion that was sort of addressed in the meeting before last, but we were also talking about working more on a section that deals with the maintenance of these things. What we discuss today, staff will review and resubmit it to the Commission with revisions, and some of it will probably have to be given to the City Attorney. Audree explained that the City Attorney always reviews ordinances, and the Chair noted that she

was just trying to lay out how the process will happen. Commissioner Segner suggested going page by page and make comments or changes, then it has to go to the City Attorney, and we can try to reestablish what the Commission voted on several weeks ago.

Vice Chair Jarmusch apologized for everybody being caught off guard, including herself. Ideally, she would like to go a little deeper into an introduction, and then go page by page, if that is how you want to do it. She wanted to explain her approach, because everybody would do it a little differently, but she was trying to tighten language or amplify language. An example of the amplification is where it would say, "Keep a historic property in good condition", but that has so much wiggle room, she suggested, "Keep the property weather-tight. . ." or weather-resistant, although she preferred weather-tight to be as strict as possible, ". . . and secure", which means secure from vandalism, fire and damage by tenants, etc., so she did some amplification like that and a little bit of reorganizing where she thought the thoughts would follow better in a little different order, but that is in a contained space. Another general surgery sort of thing was with the A, B, C, D criteria for designating a property or a Historic District. They were not laid out real clearly, so she has them under each of those categories, and in addition, the necessary qualifications introduce those four, and those that are necessary are that it must be at least 50-years-old or of significance, plus the second one, so she looked at it as a preservationist and as an editor.

Chair Unger asked staff and Councilor Jablow if they saw any problem with that, and they responded no. Commissioner Holmes asked if the capitalized words were the additions and Vice Chair Jarmusch indicated that was correct, and she also used strike out.

1501.A (continued) - The Chair indicated that she didn't know that anything more needed to be done with Section 9-462.01, since that can be easily found as Councilor Jablow indicated. Vice Chair Jarmusch commented that it might be good to spell out A.R.S., but that might be consistent throughout the code as an abbreviation that most people know in government, and the Chair and staff indicated yes.

1501.B and 1501.B.1 (continued) - The Chair asked if the Vice Chair had added "architectural" and "sites and landscape components", and Vice Chair Jarmusch indicated yes. The Chair commented that the Commission has discussed that in the past, plus the federal government is doing a lot more when it comes to sites and landscape components. At the Historic Preservation Conference, they also were emphasizing that more, so it is not a bad idea.

Commissioner Segner asked if he owned property that was wild, could he designate it, and then would it be kept wild from that point on, and Chair Unger indicated that it could be, but it is a different process. Commissioner Segner then gave the example of someone owning the property next to their house that they wanted designated, knowing it could never be built, so that would be good to have in our kit. The Chair indicated that she agreed.

Chair Unger indicated that in terms of the strike outs, she didn't see a problem. She then referenced the addition of "and legacies" in 1501.B.1, and Donna Puckett asked if there was a word missing. Vice Chair Jarmusch indicated that it should say ". . . to help . . ."; it is not a complete sentence, but it follows the colon above, so there are two non-sentences. They follow together if they are not sentences. Commissioner Segner asked if the Commission needs to concentrate on that or on the core, and then let staff fix the punctuation; we are trying to make sure the meat is there, and whether the comma is before or after. . . Vice Chair Jarmusch pointed out that it took a lot of hours to put those commas in the right spot, and she did her best, but she didn't catch them all, and she is not here to defend them all. Commissioner Segner explained that he didn't know if he could help catch any of those, and Vice Chair Jarmusch agreed that we need to focus on content, but she didn't want to be denigrated for following the commas and semi-colons.

Commissioner Segner explained that he was suggesting instead of going through by comma, comma, if the phrase makes the sense that we want to make that is fine, and we can copy edit

it later; it is the content he is worried about. Vice Chair Jarmusch agreed and pointed out that what she did was not busy work. Commissioner Segner agreed and indicated that he meant now at this meeting. Chair Unger then asked if staff would address any syntax that the Commission is not dealing with, and Audree explained that staff typically writes these ordinances and presents it, so Vice Chair Jarmusch has done staff a big favor, and we are happy to proof it. Staff will look at it from the perspective of proofing it for grammatical reasons and spelling, etc., but we will also look at it for legal reasons and make sure it is something we can support and move forward.

1501.B.1 (continued) - The Chair then referenced “and legacies” and indicated that considering that we say that we have to educate the public about history, identities and legacies, she sees no problem adding that.

1501.B.2 (continued) - Chair Unger stated that “adaptive reuse” is again something that SHPO and everybody is talking about, so she likes that and the addition of “and sites”.

1501.B.3 (continued) - Chair Unger noted that the Vice Chair added sort of a context for the past.

Commissioner Holmes asked if Vice Chair Jarmusch could continue, and the Chair explained that she was just giving her reaction to what was read, and it makes sense to her, unless the City Attorney has an issue with it. Commissioner Holmes then suggested letting Vice Chair Jarmusch read through it and only interrupt her if we have an objection, so our silence can be tacit approval, and the Commissioners agreed.

Vice Chair Jarmusch explained than another overarching comment is that she was asked to look at how to make this more friendly to people who might want to have their properties designated, and she found it difficult to do that, because it is a legal document, so where she could, it was using words like “legacies”, because people relate to what their legacy is going to be. Also, she called out the names of the “indigenous people, pioneers, artists and others”, and “others” was to include everybody, but the first three are to highlight what have been the most important population groups in Sedona’s history, so it gets at our pride and history.

1501.B - The Vice Chair indicated that the change is simply a rewording to make it smoother. “Protect and enhance Sedona’s attractiveness to visitors and encourage their financial support and economic stimulus”. The Chair indicated that she wasn’t sure that made sense to her and Commissioner Segner noted that the crux is there. Chair Unger agreed that the Commissioners know what is meant by that.

1501.B.5 - Vice Chair Jarmusch read, “Stabilize and improve property values of restored, renovated, rehabilitated, and protected sites”, and that is just to amplify the words “restored and renovated”.

1501.B.6 - The Vice Chair read, “Provide incentives for restoration by owners of landmarks or historic properties and sites”.

1501.B.7 - Vice Chair Jarmusch read, “Provide standards for restoration and adaptive reuse”, or we could use the word rehabilitation, but we have already decided to go with “adaptive reuse”.

1501.B.6 (continued) - Commissioner Segner noted that we don’t provide incentives. He is not saying we couldn’t, but it makes it sound like we do or we have to, so he would say that we can provide incentives, because right now we don’t. Commissioner Holmes suggested saying “may provide”. Vice Chair Jarmusch explained that this article is intended to, so we intend it, but we are not progressing it, unless that is wrong. Chair Unger stated that the other point that can be made by this is that there is a whole section on incentives, so approaching it as the Vice Chair has is fine. Councilor Jablow suggested saying “where appropriate”, and Commissioner Segner agreed, just something to back out of it. The Chair agreed that is a good idea, and

Councilor Jablow explained that if he read it as written, he would say that you are providing him incentives, so where are they? Commissioner Holmes added that was identified as one of the Commission's problems, and the Chair agreed and indicated that "where appropriate" is a very good way of doing it, because that gives the leeway. Vice Chair Jarmusch then indicated it would read, "Provide incentives where appropriate for restoration by owners of landmarks or historic properties and sites."

1501.B.7 - Vice Chair Jarmusch then finished reading, "Provide standards for restoration and adaptive reuse of designated properties and of new construction within Historic Districts."

1502 - The Vice Chair indicated that she believes that the Community Plan was taken care of when the Community Plan was written.

1503 - Vice Chair Jarmusch "Definitions" as, "For the purpose of this article, certain words, phrases and terms used herein shall have the meaning assigned to them by this section. When not inconsistent within the context of this section, words used in the present tense include the future; words in the singular include the plural; and those in the plural include the singular. The word "shall" signifies mandatory; the word "may" means optional."

The Vice Chair then presented the following definitions to the Commission:

Adaptive Reuse - "See Rehabilitation." We could add a more contemporary definition that emphasizes contemporary uses of historic structures. Commissioner Segner indicated that we don't have those standards yet, so that is something that if it came up, we probably would have to come up with some standards for adaptive reuse. Chair Unger stated that for the most part none of the cities she knows actually involve themselves in adaptive reuse. They suggest it as something if a building cannot be rehabilitated. They could do it as adaptive reuse too, but she doesn't know if that is what is meant or if it solely means rehabilitation, because when they do some adaptive reuse, they actually negate the possibility of doing a landmark. She then asked the Commission if there was a need to be uncomfortable about that or if that should be left just as the term that the Commission means for it, and she thinks maybe leave it as a term that the Commission means. The Vice Chair agreed and indicated that in the rehabilitation definition, adaptive reuse should probably be inserted. "See restoration and rehabilitation", and you will see that rehabilitation refers to contemporary uses.

Alteration - "Any aesthetic, architectural, structural or mechanical change. . .", and she just reordered those words to keep architectural and structural together. ". . . in the exterior of any significant part of a designated property or site, as defined herein." She removed the word "surface", because she didn't want the Commission to be limited to surface, but rather the hidden structure as well under the surface. The Chair indicated that makes sense; the only thing is if the City Attorney wants "surface" in there, but that looks good.

Archaeological site - "A site containing any structure, evidence of occupation, . . .", which she added because we know of campsites from nomadic people, ". . . articles or remains resulting from historic human life, habitation or activity, including but not limited to camp sites, petroglyphs, pictographs, paintings, pottery, tools, ornamentation, jewelry, textiles, ceremonial objects, games, weapons, armaments, vessels, vehicles or, most important, human remains." She put human remains in there, because it came as an abrupt shift in there. Other words added were regarding things that might be lost in the wind, unless we find some evidence that needs to be protected.

Building - "A structure created to shelter any form of activity, such as a house, barn, church, hotel, shed", which she added given our agricultural area, ". . . or similar structure. "Building" may also refer to a historically-related complex, such as a courthouse and jail, or a farmhouse and barn.

Cemetery - "Any site which contains at least 1 human burial, marked or previously marked . . ." Vice Chair Jarmusch indicated that she added "human" and continued to read, ". . . and/or considered a dedicated cemetery under Arizona state statutes, even though it may be currently suffering neglect and abuse."

Certificate of Appropriateness - The Vice Chair indicated the need to amend this after we get to the Certificate of Appropriateness section, because we are going to allow staff to issue these certificates; however, the Chair clarified that there will be two different kinds of things. One will be the Certificate of Appropriateness and the other will be the Certificate of No Effect. The Certificate of No Effect will have to be added to these definitions, but you can go ahead with this as it stands. The Vice Chair then read, "A document issued by the Commission following prescribed public review procedures, certifying that proposed work on a designated property is compatible with the historic character, style and building materials. . ." The Vice Chair noted that those were added for specificity and continued to read, ". . . of the property, and therefore may be completed as specified in the Certificate of Appropriateness, and any building permits needed to do the work specified in the Certificate may be issued."

Vice Chair Jarmusch noted that the definition for "Construction" was listed twice, so she deleted the one that was out of alphabetical order. They were slightly different, but she melded them together.

Chairman - was changed to "Chairperson", because it popped up later as Chairperson. She is not wedded to one or the other, but she prefers Chairperson.

City - the City of Sedona, Arizona.

Commission - the Historic Preservation Commission.

Construction - "Any site preparation, assembly, erection, repair, addition. . ." The Vice Chair noted that she added that and continued to read, ". . . alteration or similar action (*excluding demolition*)", and she added the italics. The remainder reads, ". . . for or of historic sites and structures, or of public or private rights-of-way, utilities or other improvements."

Contributing - "A classification applied to a building site, structure, landscape, wall or object within a landmark property or Historic District . . ." Vice Chair Jarmusch indicated that she changed the order of those, because of the order of the whole ordinance; landmarks come first. She then continued to read, ". . . signifying that it contributes to the defining characteristics and integrity of the landmark or Historic District." She doesn't think the order really matters, and she didn't stick with that consistently, but she did want to add the words "landscape" and "wall", because of the stone walls around here, as well as "integrity", which she thinks is a word that the Secretary of Interior's Standards do define.

Demolition - "Any intentional act or process that totally or partially destroys a designated property."

Designated property - "A property that has received city designation as a landmark, or as a contributing property within a Historic District, according to the provisions of this article." The Vice Chair explained that she changed a lot of the words "which" to the word "that" throughout.

Director - "The Director of Community Development or his/her designee for the city pursuant to Article 3."

Historic District - "A geographical area whose boundaries are defined by a Historic District zoning designation which contains properties, structures, sites or objects which are considered to have historical, architectural or cultural value." The Vice Chair noted that she possibly

should have added landscapes too, so it would say, “. . . contains properties, structures, sites, landscapes or objects. . .”

Historic Property Register - "The listing and defining of designated properties of Sedona as provided in this article."

Historic Resource Survey - "The official Historic Resource Survey books of the city as produced by the Commission listing and describing properties, structures, sites or objects (whether designated or not) which are considered by the Commission to have historic, architectural or cultural value." The Chair asked if the word "landscapes" should be added too, although we have sites, so it might be just doubling up on that, since a site is generally a landscape. That is something we could do, but it is not really all that relevant.

Integrity - "A measure of the authenticity of a site's or a property's historic identity, evidenced by the survival of physical characteristics that existed during its historic or prehistoric period in comparison with its unaltered state. For example, a historic building of high integrity has few alterations or ones that can be easily reversed, and an archaeological site with high integrity is one that is relatively undisturbed. Criteria include the preservation standards of association, design, feeling, location, and materials."

Landmark - "A designation, as a result of processes provided in this article, applied by the Commission to an individual property, structure, wall, landscape, site or object, which has a historic value or expresses a distinct character or style worthy of preservation."

Maintenance - "Regular, customary or usual care for the purpose of preserving a property, structure or site and keeping it in a safe, sanitary and usable condition, without causing any alteration to the property's distinctive exterior character."

Noncontributing - "A classification applied to a property, site, structure or object within a Historic District or landmark property signifying that it does not contribute to the defining characteristics of the Historic District or landmark."

Planning and Zoning Commission - means that of Sedona, Arizona.

Preservation - "The act or process of applying measures to sustain the existing form, integrity and material of a structure or that of a site and the existing form, vegetation and built features, such as walls. It may include stabilization work where necessary, as well as ongoing maintenance of the historic materials." Vice Chair Jarmusch asked the Commission if that was inclusive enough and Commissioner Holmes and Chair Unger indicated yes.

Preservation Covenant - "A deed restriction filed with the appropriate county, which identifies the property as a landmark or a contributing property within a Historic District."

Reconstruction - "The act of reproducing by new construction the exact form and detail of a vanished or severely deteriorated structure or object, or part thereof, as it appeared at a specific period of time." The Vice Chair pointed out that means that it doesn't have to be totally gone, it could be saved in part or rebuilt upon.

Rehabilitation - "The act or process of returning a property to a state of utility through repair or alteration that makes an efficient contemporary use possible, while preserving those portions or features of the property that are significant to its historical, architectural and cultural value."

Removal - "Any relocation, in part or whole, of a structure on its site or to another site."

Renovation - "See "Rehabilitation." The Chair noted that Vice Chair Jarmusch previously stated restoration or rehabilitation, so we are still on the same page. The Vice Chair indicated she wasn't sure if she added the word renovation, and Commissioner Holmes stated no.

Repair - "Any physical change that is not alteration, construction, removal or demolition."

Councilor Jablow suggested that Commissioners individually read a page and if there are no questions, go to the next page and the Chair agreed. The Councilor then indicated as an alternative, the Commissioners could take it home and read it and come back with any issues; however, the Chair explained that she liked that the Commissioners were all reading it together.

Vice Chair Jarmusch pointed out that this draft does not include any suggestions taken from other cities' preservation ordinances, and we might want to do that, but she didn't feel that she could take that on herself, so she wondered if the Commission could discuss that. The Chair has already looked into Phoenix, and the City of San Diego has a penalty for people who do not maintain historic properties; they don't always enforce it, but they can cite people for that.

Commissioner Segner suggested getting through this, and if this covers 99%, then we are okay, and if it doesn't, we can always go back at a later date. Chair Unger explained that when the Commission finally agrees that everything is as we want it, it then has to go through P&Z and the City Council, and we don't want to have to do that twice, so let's try to get through this. Councilor Jablow noted that he doesn't want to have to do it again at Council either. The Chair then indicated that as soon as everybody reads a page, the Commission will discuss any questions.

1504 - Commissioner Holmes asked if the register of landmarks is online now, and Chair Unger indicated that we have always had the landmarks online. The Commissioner then noted that it says one or more copies shall be made available for public reference, so should we add that it could also be found online. The Chair then stated that is not a bad idea, and you could put that right after it right after "Sedona".

1505.02.C - Commissioner Segner read, "The Council by a majority may remove any member of the Commission for misconduct . . .", he would remove "misconduct"; they should be able to take anybody off for any reason, because you have to judge what misconduct is.

Stabilization - in the definition on the previous page, Chair Unger indicated that the language could be left "weather-resistant" instead of "weather-tight", because she doesn't know that we can be weather-tight for everything. Commissioner Segner added that it is a word that you have to defend and work with. The Chair agreed and stated that would be harder to defend.

1505.02.C (continued) - Commissioner Segner suggested saying, "The Council by a majority may remove any member of the Commission." The misconduct comes back to like a whole trial and it also taints somebody with the big letter A. If they want somebody out, they should be able to vote them off.

Vice Chair Jarmusch asked what if they just don't like you because you are a bad neighbor, and Commissioner Segner stated that is their prerogative. We work at their behest and if they don't want us, they should have the right to get rid of you. When it says by misconduct, then the City Attorney is going to ask what misconduct is and how you prove it. If they don't want you on the Commission, they should just ask you to leave. Audree Juhlin explained that staff will review this to make sure it is consistent with the City Council's Rules and Procedures and the Handbook. She is pretty sure that they don't include the word "misconduct".

1505.04.B - The Chair asked if four members are present, it says, ". . . the affirmative vote of the majority of members present shall be required", so if we only have four members present, we only need three to vote on something, and Audree Juhlin stated that is correct. The Chair then

indicated that just because four is the quorum, we all don't need to vote for it; it is the majority of the people there at the meeting.

Commissioner Holmes read, "Any member may abstain from voting on a matter by declaring a conflict of interest. . .", and asked if it should say "must". Commissioner Segner indicated that the City Attorney can figure that out.

1505.05.A - Vice Chair Jarmusch asked if the Commission is supposed to make and publish its own rules for governing our meetings, and Chair Unger indicated that she thought it was mandatory for the Commission to use Robert's Rules of Order, so should that be changed? Commissioner Segner noted that Robert's Rules of Order can be tedious, so having some leeway would be good. Audree Juhlin explained that as it stands, if you want to do anything other than Robert's Rules of Order, you need to have your own rules approved by the City Council. Your rules are pretty much set in here and in your Handbook, so you don't need any additional rules.

Chair Unger then asked if there is a need to indicate the Handbook, and Audree Juhlin indicated that there could be a 1505.05.C to say, "The Commission shall follow all City rules and regulations, including those identified in the Handbook." The Chair stated that might be a good idea; although we are given this and are supposed to follow it, and when we take our pledge we say that, but it would give it another point of reference for that, so it isn't a bad idea.

Vice Chair Jarmusch then asked about the language Audree Juhlin had given, and Audree explained that it could be something to the effect that the Commission shall follow any and all rules and regulations and those established in the Handbook.

1505.06.A - The Chair referenced the Vice Chair's suggested additions and indicated that she would leave it up to staff to see how appropriate that is. The Vice Chair explained that if we sign up for this Commission, we are signing up for that kind of professional input. Audree Juhlin asked about the meaning of "consultant's proposed plan", and the Vice Chair indicated a plan for historic preservation. It says that the Commission may need to periodically update as needed a plan for historic preservation, so if a consultant presents a plan, that is not an appropriate role of a consultant. She guesses it is the Commission's annual plan for what we present to the City Council for approval.

Commissioner Holmes asked if it was like a work plan and Vice Chair Jarmusch stated yes. Chair Unger indicated that this isn't really referring to a work plan, and Vice Chair Jarmusch agreed that it is really an overall plan as laid out by the ordinance. Audree indicated that she didn't understand and the Chair agreed. Commissioner Segner suggested that the word "consultant" didn't need to be there, because if a consultant provides information, we would accept it or not.

Chair Unger asked Audree about the reason for that; she doesn't understand what is meant by "plan" there. Audree explained that when we first started talking about amendments to the Land Development Code, she said it was a little antiquated. It hasn't been changed in many years, and when it was first brought forward, it was for a brand new Commission, so some of these things apply to a new Commission, but don't apply to a Commission that has been in place since 1998, so it no longer may be applicable.

Chair Unger then asked if 1505.06.A is really applicable anymore, and Audree explained that A. by itself is, because you have a plan and it is up to the Commission to update it and take it to Council if you need to make revisions to your work program. The Chair then asked if in reference to "plan", it means a yearly plan or an overall plan, and Audree indicated that the Commission can define it however you want, but when it was first put in place in 1997, the Commission had no plan, so how would the Commission move forward with the purpose of

preservation in the city. She doesn't think there has ever been a formal plan, but there has always been a work program to accomplish the tasks.

Vice Chair Jarmusch indicated that in recent months, the Commission has discussed looking at this ordinance, because we wanted a preservation philosophy to be articulated, so would a preservation philosophy and plan be what we are getting at here? Commissioner Holmes then suggested saying annual work plan; however, the Chair again questioned if that is really what is being referenced. Councilor Jablow questioned if it had to be an annual plan and suggested that it just say a plan; it might take five years to fulfill the plan. Audree then pointed out that it says periodically update. The Councilor then indicated that could be anything; it could be a couple of years, as needed.

Chair Unger indicated that she is just trying to figure out a plan to do what? The Councilor indicated that is the goal. The Chair then suggested saying a set of goals, rather than a plan. The Councilor suggested the word "objectives", such as how many houses you preserve in a year; it could be one or ten, it is just a general goal or objective. The Chair expressed that the word "plan" just seems a little vague.

Commissioner Holmes asked if the Commission's annual work plan is submitted to Council and Audree Juhlin indicated yes as part of the budget process. The Commissioner then suggested naming that, since it is something that is in our process. Commissioner Grams suggested saying, "yearly, a plan" and Commissioner Holmes then stated, "Yearly, a work plan is submitted to the Council for approval." Formulate a yearly work plan.

Vice Chair Jarmusch suggested putting them both in and say, "Periodically update, as needed, objectives and a work plan for historic preservation." Chair Unger repeated that she just doesn't understand the context, and maybe it just leaves it open enough to make us look at how we are planning for the future, so maybe she should leave that to you guys, only because it seems vague to her. She was thinking that referred to a work plan, which we are supposed to have every year, not just periodically, so she doesn't know if that is necessary in that context or not.

Commissioner Grams indicated that "periodically" needs to be removed, and then refer to it as yearly, because we are required and have been doing a yearly plan. Audree suggested saying, "Maintain and update as needed", in case you want to look at it twice, because Council said to look at it again. The Chair stated that she liked that; it makes a little more sense; "periodically" is probably as vague as the plan or more so. Vice Chair Jarmusch noted that she then would like to retract the part in capital letters; that was her misunderstanding.

1505.06.B and C - Commissioner Grams pointed out that B. and C. seem to be saying the same thing and asked if they could be combined into one. Chair Unger explained that one is specifically about landmarks and the other is specifically about Certificates of Appropriateness, but possibly we could combine those. Both of them basically say the same thing in the first sentence, so she supposes they could be combined; she will leave that for staff to determine. Commissioner Grams the pointed out that the requirements are basically the same thing, either/or; however, Vice Chair Jarmusch noted that only one is subject to review by P&Z. Commissioner Grams stated that she doesn't understand why there would be a difference, and Chair Unger agreed that P&Z doesn't have to review a landmark. Audree Juhlin then clarified they do review a Historic District, but staff needs to rewrite these; they are not correct.

1505.06.E - Chair Unger indicated that she didn't understand the "of or in", and Commissioner Holmes noted that the "or to" should also have been removed. It would then say, ". . . rezoning of a Historic District . . ."

1505.06.G - Chair Unger stated that we can remove that "amend after discussion", because that will be a whole different process when we do it.

1505.06.H – Vice Chair Jarmusch indicated that it said every two years update, but it seemed that we haven't been doing it that often. Audree Juhlin noted that there had been eight years between updates, and it goes back to an ordinance written many years ago, when we didn't have any landmarks, but she would definitely remove the timeframe. Chair Unger agreed and suggested removing the timeframe altogether. Commissioner Holmes suggested saying, ". . . approve a consultant's update before it is accepted"; however, Audree Juhlin pointed out that it could be problematic if it is put in an ordinance and no funds are available in the next budget year, so it would have to be approved right away, because then you couldn't accept it and we couldn't do it. The last time we didn't have a quorum to have the meetings, so staff had to do it or we would have lost the money in a month, so if you put that language in, it ties staff's hands. Chair Unger noted that the Commission could review it and approve it later instead of having any timeframe, so the Commission knows what has been done, or should it just be left out altogether. Audree explained that it is the Commission's charge to maintain and update the Historic Property Register, so it isn't necessary that you say you have to approve it, because that is your charge. Chair Unger then stated that it would almost be overdoing what needs to be said. Audree indicated that this is probably because we weren't able to get the last survey to the Commission for approval, because we lost the money and this is a result of that. Commissioner Segner noted that the consultant is acting on the Commission's behalf, so we don't have to call them out. Chair Unger then stated, "Maintain and update the Historic Property Register" without any timeframe, because two or three years doesn't make any sense.

Donna Puckett asked if the Historic Property Register is the same as the Historic Resource Survey, and the Chair indicated that she would consider it the same; however, Audree pointed out that there are two definitions; one for the Register and one for the Survey. Vice Chair Jarmusch agreed that there is a distinction. The Register is the landmarks and the Survey includes potential landmarks. Donna Puckett noted that the Register is a list defining the designated properties, which is more or less what we have online.

Historic Property Register (definition) - Chair Unger then indicated that the Historic Property Register definition may mean the list defining landmarked designated properties, which makes a big difference between that and the Historic Resource Survey. Donna Puckett then suggested changing "designated" to "landmarked", and the Chair agreed that might be better.

1505.06.H (continued) – Audree clarified that there would be no consultant; it would be the Commission. The Vice Chair indicated that she didn't recall these two being used very often, so she will do a Word search to see if there is repetition and be sure the right name is there.

1505.06.L – Chair Unger indicated that she liked, "Coordinate any fundraising efforts with city staff" as an addition. Commissioner Segner asked if the Commission does fundraising, and Audree Juhlin indicated that it would be a legal matter. Commissioner Segner added that we don't really do fundraising, and Audree explained that it might not be allowed. Chair Unger indicated that there is something that talks about that in this document; however, the Vice Chair indicated that she had added that also, but we went to fundraising workshops to learn how to approach preservation projects. Commissioner Holmes then asked if this is not for fundraising events; it is talking about grant-writing, etc., and the Vice Chair indicated yes. Audree then suggested changing it from "fundraising" to "grant-writing". Donna Puckett added that as a public body, there are some restrictions against fundraising.

1505.06.J – Commissioner Grams referenced the work on the old Jordan Shed or Grocery Store and indicated that it states, "Recognize the owners of these properties . . . in an exemplary manner", and that is something we haven't done regularly. After he finished that, she was going to write him a note as a citizen, because they did such a fine job, and they should be acknowledged with an article in the newspaper about that. It is a minimal thing, but we don't use our PR to our advantage on things like that. Commissioner Holmes added that PR is pretty much the only thing we have left, and Commissioner Grams noted that saying thank you doesn't hurt. Vice Chair Jarmusch pointed out that she roughed out a quick plan of how the

Commission might compliment properties that don't qualify for historic designation, but are exemplary in some way. Commissioner Segner agreed that the Commission needs to do that, but the Code doesn't need to say that we need to do it; however, Commissioner Grams noted that the Code does say to recognize the owners, and we haven't done anything to recognize them. Chair Unger indicated that is a good point; she is enjoying going over this, because it is making the Commission aware of what we need to do.

1505.06.L and 1505.06.M – Commissioner Holmes asked if the two could be combined. The Chair indicated that it looks like it, but some of the things almost look like fundraising again, so Audree might want the City Attorney to look at those. Audree indicated that she didn't see any fundraising in there, and she doesn't know that we want to add "coordinate grant-writing", because that has to be done through staff, since it has to go through the City Council for the budget process, but we can look at combining these two. The Chair asked if bequests would be considered fundraising, and Commissioner Segner stated no, if somebody left the city a historic building, that is a possibility and it would probably come to the Commission at some point.

1505.06.O – The Chair indicated that adding "and publications" is fine.

1505.06.Q – Vice Chair Jarmusch noted that she is still bothered by that consultant. Commissioner Segner indicated that when it says, "Conduct detailed studies", the assumption is that the Commission is going to do that or pay someone to do it. Vice Chair Jarmusch stated okay, but it doesn't always happen. Commissioner Segner suggested saying, "Conduct detailed studies and surveys of properties and areas and assess their potential for designation." That is the Commission's job; we don't need the addition. It is going to be the Commission or someone we hire to do it, and they are doing it at the Commission's direction, and then we have to approve it. Audree Juhlin noted that Vice Chair Jarmusch keeps going back to you not getting to approve the survey. Commissioner Segner then stated that if we didn't do it, then we didn't do it. Audree Juhlin added, but staff did it and Commissioner Segner noted that staff brought it to the Commission and the Commission said okay. Chair Unger stated that the Commission still needs to go over it again, because it wasn't reviewed totally. Commissioner Segner then suggested saying "Commission or staff"; however, the Chair pointed out that the Commission needs to do that, if we are going to maintain the CLG. Commissioner Segner then stated that if we hire a consultant, that is the same as the Commission doing it, and the Vice Chair agreed.

1505.06.S – Chair Unger noted that the addition of "fundraising" needs to be pulled out.

1505.06.T – Commissioner Segner indicated that "Assist property owners . . ." is a big term and suggested saying, "Advise propriety owners. . .", because "assist" means that the Commission is going to write them a check and "advise" means we are going to give them words. Chair Unger and Commissioner Holmes agreed.

1505.06.U – Commissioner Segner stated that "encourage" is a soft word; we should just say "Assist property owners . . .", because "encourage" means they don't have to, so it is saying that we encourage you to not paint your building, when we are saying that we can assist you in selecting a color, but the rules are firm; we are not here to assist. Vice Chair Jarmusch agreed. Donna Puckett confirmed the Commission is suggesting to remove "Encourage and".

1505.07 – Chair Unger asked if it should say that those committees need to be subject to the Open Meeting Laws and Audree Juhlin indicated no, because the Handbook says that. Donna Puckett also pointed that you don't want to commit to that if the state law changes and you wouldn't have to.

1506.D – Chair Unger indicated that adding "Routine or emergency technical" is good and Commissioner Holmes agreed.

1506.E – Commissioner Holmes indicated that seems way out of the Commission’s purview, and Commissioner Segner agreed. The Chair indicated that should be stricken; at the end of the day, that could also be a nightmare.

1506.F – Commissioner Holmes asked if “neighborhood association” would be the same. Commissioner Segner indicated that could mean if neighbors came to the Commission and indicated that they wanted to make their block a Historic District, and the Commission would help them with the guidelines. Commissioner Holmes suggesting making it clear that is about establishing historical status, because this sounds like creating a HOA. Commissioner Segner stated that cities do that; Phoenix and Pasadena have Historic Districts, and when they created the boundaries, it is like a HOA in that it has severe rules, so if they wanted to do it, they would come to the Commission. Audree Juhlin explained that these are two different things. Commissioner Holmes is talking about an association like a HOA that could be included in a district, and we would not necessarily help them create that association. We would formulate the district with all of the district rules and regulations, but not an association. Commissioner Holmes then suggested changing “association” to “district”. Audree pointed out that is what this whole section is about. The Chair agreed and asked Audree if that even needs to be in there. Audree explained that she doesn’t like making decisions on the fly, but her gut reaction is to remove it; however, she won’t hold herself to that until she thinks about it more. Commissioner Segner suggested putting a question mark on it and the Chair agreed; she understands if the Commission wanted to help, because they couldn’t make a landmark district out of it, and they wanted to do something else to make an association. It might be nice for the Commission to be able to do that. Audree Juhlin pointed out that would then be taken out of this section, because this is about landmarking a whole district. The Chair indicated that she kind of agreed and asked Audree to look at it again.

1506.G – Vice Chair Jarmusch noted this is the hopeful clause, so we take that out. Chair Unger indicated that it could be left in, but there is not going to be anything, although maybe there is. It could be left in, because it is so vague. Commissioner Holmes referenced the earlier mention about help in getting grants, etc., and stated that it is redundant. The Commissioner then read 1506.B, “Advice in locating potential sources of financial assistance and tax credits”. Chair Unger then indicated it could be left in or removed. Commissioner Segner stated that in five years, there might be some state tax credits, and then the Commission’s job would be to advise people as to how to do it. Audree Juhlin pointed out that Commissioner Holmes is saying that you don’t necessarily need to be specific here, because it is under the general. Chair Unger and Vice Chair Jarmusch agreed; tax credit is already spelled out.

1507.01.B.3 – Vice Chair Jarmusch asked about the amount of the fee to apply for a landmark, and Audree Juhlin indicated that she wanted to say \$150 for the landmark, but the designation is different, and since we have never done one, she doesn’t remember that amount, but that is an incentive.

1507.01.B.6 – Chair Unger suggested adding etcetera after “events, because there are other things that could be listed, and regarding “other descriptive materials are desirable”, we are sort of putting some bite in here and also taking some bite out in other places, but do we want to say, “. . . are desirable” or just say “. . . descriptive materials.” Commissioner Segner asked how their attorney would read it, and “desirable” is a wishy-washy word. It should be more focused with “appropriate” or “beneficial”. The Chair then suggested, “. . . or other appropriate descriptive materials”. Commissioner Segner indicated that you want someone to use the right molding, and there is only one right molding. Audree Juhlin explained that this is the application submittal, when someone is talking about landmarking, and this is what we are requiring them to submit, so what does the Commission want to see in order for you to be able to evaluate if it is deserving of that landmark designation? Chair Unger indicated she would rather not say, “. . . are desirable”, because that says if you don’t have them, don’t worry about it; she would rather have them worry a little about it, and then if they can’t do it, they can tell us. Vice Chair Jarmusch suggested saying “if they are necessary”, because we give them a lot of

options, including sketches, photographs or other appropriate descriptive materials as necessary. Commissioner Grams asked if there shouldn't be something about its historical significance, and Audree Juhlin asked if the Commission is going to get applications for a property that is not in the Resource Survey. Chair Unger indicated that the Commission might; she is not sure. Vice Chair Jarmusch pointed out that the telegraph station wasn't in the survey, and Chair Unger indicated that if the Commission decided not to do the survey for a number of years, things will fall into the 50-year-old category or someone might really want to landmark something that is not in the survey, so they could fall within that. Commissioner Segner asked if the Commission is hard and fast on the 50, and the Chair stated no. Commissioner Segner then stated that someone could want something landmarked, and the Commission would have to see if it is appropriate, but there needs to be background about its significance and history.

Chair Unger noted that Vice Chair Jarmusch added, ". . . such as its association with notable people or events, etc.", and later in the document is a list of the kinds of things we ask that make it feasible to landmark, but whether or not we need to enforce this, it is worthwhile putting in a couple of extra things.

Audree Juhlin asked if a property comes forward that isn't landmarked, does the Commission want to do your own analysis of it and do an inventory or do you just want to trust what is given to you, or are you going to do both at the same time? Commissioner Segner stated that the Commission would do both; first taking theirs and that would guide the Commission to do ours. Commissioner Grams agreed the Commission would look into it to see if it is the truth. Audree then indicated that her next question is if the Commission wants to have the criteria submittal be more in line with the inventory sheet that the Commission would complete. Chair Unger stated that makes a lot of sense. Audree then explained that it can be rewritten to more reflect that. Chair Unger agreed and indicated that staff could put that together; it makes a lot of sense, and the more information we can get from them, the easier it is for the Commission to review and see if it is true.

1507.01C – Audree indicated that staff needs to do some more evaluation, because "If all required materials have been submitted, the application shall be considered complete . . ." is a state requirement. We have to do that, because it then starts a deadline that we are required to follow, so she is not sure it needs to be included in here, but we need to think about whether or not that should be deleted. Vice Chair Jarmusch stated that if it is a legal sentence that needs to be in there, then she has no quarrel with that; she was trying to avoid repetition. Audree explained that we get into a problem if they think they submit an application and we should be acting on it when it is incomplete, because we won't act on it until it is complete.

Chair Unger indicated that the rest of it didn't seem to be a problem, and Vice Chair Jarmusch explained that she reordered it a little.

1507.01E – Vice Chair Jarmusch indicated E. was added as a category called "Application Review", which is different from the Commission's review.

1507.03 – Chair Unger indicated that everything in it is legal, so we don't have a choice, but let's talk about the criteria, because Vice Chair Jarmusch is adding some of those; ". . . be at least 50 years old or having achieved significance within the past 50 years if the property is of exceptional importance; and exhibits one or more of the following." We went through this not that long ago, and we added the "and" and did some alterations. Now, Vice Chair Jarmusch is asking to add a few things, so review that as it is a critical part of this document. Vice Chair Jarmusch indicated that it still could come in as a younger property. The Chair agreed and re-read the aforementioned language and explained that it also must exhibit either A, B, C, or D for it to be considered.

The Chair then re-read, “. . . be at least 50 years old or having achieved significance within the past 50 years, if the property is of exceptional importance and exhibits . . .”, and indicated that the way it is written, whether it is 50 years old or younger, it has to exhibit one or more of the following. She then asked if that is correct, and Audree Juhlin indicated that is correct. It has to be exceptional and it has to have A, B, C or D.

1507.07.B – Commissioner Segner indicated that is the crux of the discussion two meetings ago, where it says, “No person shall carry out any exterior alteration, restoration . . .”

1507.03.A and B – Chair Unger indicated that she didn’t see any problem with putting local, state or national in there, and because this is so important, she doesn’t want to skip over it lightly. Vice Chair Jarmusch explained that we do have the National Register properties and a National Register property automatically goes on the State Register, so it was just covering all three levels.

1507.03.C - Chair Unger indicated that staff can look at that, but she also likes, “. . . master architect, artist, engineer or craftsman . . .” In the past, it only had the architect and if the properties are 50 years or older, they might not have had an architect, just an artist, etc., so she likes those additions. Vice Chair Jarmusch clarified that before it just said, “. . . representing the work of a master. . .”, and maybe that is better. Commissioner Segner indicated no, because that is a vague term. Vice Chair Jarmusch then stated that she wasn’t sure if she understood the last clause, “. . . representing a significant and distinguishable entity whose individual components may lack distinctiveness.” Commissioner Holmes asked if “individual components” means of the architecture, and Vice Chair Jarmusch indicated that is what she thought it meant. Commissioner Holmes then asked if it may be a building that looks like any other building, but something important happened there. Chair Unger indicated that it all is supposed to be about what it looks like rather than who lived in it, or how it was created. Commissioner Segner added that the building on its own is good and didn’t have a famous person in it, “. . . representing a significant and distinguishable entity whose individual components may lack . . .” is a little vague. Donna Puckett indicated that it reminded her of the Max Ernst house, when you look at it, she doesn’t know that you would think it was distinguishable, except for the fact that he lived there. Vice Chair Jarmusch suggested putting it in the positive rather than saying what it lacks, but she doesn’t understand what it should be.

Commissioner Holmes pointed out that it originally stated, “. . . lacks individual distinctiveness. . .” Chair Unger indicated that “may” could be removed, because that makes it vague again; however, Commissioner Segner questioned if the whole sentence was needed. Vice Chair Jarmusch agreed that maybe it isn’t needed. Commissioner Segner suggested removing the whole sentence, and Commissioner Grams suggested shortening it. Donna Puckett asked if it is possible that the first part is supposed to mean the architecture and the second part is supposed to be that it is not the architecture that is significant, but the person who built it. The first part may be talking about construction and distinctive characteristics. Vice Chair Jarmusch pointed out that the second one is the lives of persons, but that would be like an occupant. Audree Juhlin indicated that staff will give it some more thought, and Donna Puckett pointed out that the language may have been taken from the Secretary of Interior’s Guidelines, and the Chair agreed that when those were written, they were pulled from the Secretary’s guidelines.

1507.03.D – Commissioner Holmes indicated that she liked the addition of “. . . community or region.”

1507.07.C – Commissioner Segner read the language and indicated that several meetings ago, the Commission discussed how they would obtain the Certificate of Appropriateness, but we don’t have to identify that here.

1507.07.B - Vice Chair Jarmusch noted that she made the mistake of adding “or Director”. Chair Unger explained that the Commission had talked about doing a Certificate of No Effect, so that

will have to go in here, but right now, “. . . without obtaining a Certificate of Appropriateness or a Certificate of No Effect” will have to go in here, and we will have to put that together. Commissioner Holmes asked if the Certificate of Appropriateness only comes from the Commission, and the Chair indicated yes, the people have to come in front of the Commission to obtain that. We were talking about adding a Certificate of No Effect to that, where we discussed it going to the city staff and maybe one Commissioner, but if we are only looking at this clause, that just has to be added, and they can get one or the other; however, Vice Chair Jarmusch pointed out that “or Director” should be removed.

1507.07.D – Donna Puckett asked if the Commission wanted “weather-tight” to be changed to “weather-resistant”, and the Chair indicated yes.

1508.A – Commissioner Segner indicated that the nominated district is probably more cumbersome than we can make out here, and Audree Juhlin noted that we shouldn't put too much here, when it is already in the. . . Commissioner Segner interrupted to say that the Commission can't make a district, but can we nominate or recommend. Vice Chair Jarmusch explained that the addition in brackets is just a point of information and not to be included.

1508.01.B.1 – Vice Chair Jarmusch suggested ending the sentence with etcetera like we did before, and the Chair indicated that the Commission might want to in order to be sure, because that will refer back to what we are asking for in terms of criteria.

1508.01.B.2 – The Chair noted that the Commission had discussed how distinctive boundaries shall be non-contiguous, but she doesn't know that we ever settled if we could do that. Other cities have done it where you have a block, but then two blocks over there is another similar one, so you landmark that block with the other one and it is non-contiguous, but that would probably have to go through the City Attorney. Audree Juhlin indicated that it is allowed by zoning. The Chair then indicated that it could say “non-contiguous”. Vice Chair Jarmusch asked if “contiguous” is a better zoning word and Audree indicated stated that they would both work, but “contiguous” is probably a little clearer. Donna Puckett recalled that came up when the Commission was discussing the Madole Homes, and the Chair agreed.

1508.03 - Chair Unger indicated that the Vice Chair took the piece of this from the other and plugged it in here, and Vice Chair Jarmusch indicated she wasn't sure that it is correct that one of the four must be to make a district. The Chair stated that she wasn't sure, because we haven't done a district. Audree Juhlin explained that she doesn't like to make decisions on the spot, but she is not sure that it is applicable to a district; it is absolutely applicable to a landmark, but there are different designation criteria for a district. Commissioner Segner noted that a Historic District is kind of out of our realm, because we know we aren't going to do it, and it just needs to be under stricter guidelines, because it is zoning, so why don't we leave that alone and let the staff. . . Chair Unger interrupted to say that city staff would have a better understanding.

The Chair then asked if there is anything about the CLG that needs to be considered, and Audree indicated that they talk about districts, but there is nothing you have to do. SHPO has already said we are not going to have a district. There is nothing that qualifies for a district. Vice Chair Jarmusch indicated that she dreamed of a district with the Hummingbird House and Ranger Station barn and residence, and maybe the creek with the Sycamores. Chair Unger indicated that might be something, however, Commissioner Segner stated that you could call it a district, but not necessarily have the power that a city district would put over it, because the city owns most of that, and then you have Tlaquepaque and one other owner. Audree Juhlin explained that in doing the CFA planning process, you can have character districts and we can define what the character historically looks like. We are starting to do that with the Master Plan on the Forest Service, but it will be in more detail in the CFA (Community Focus Area) Plan.

Chair Unger indicated that staff should look at the district; she doesn't see the Commission in a position to do that, unless maybe 50 years down the line. We tried to do it in Uptown and interviewed a lot of people, and that was the only place we thought we might have one, but we couldn't get it. Audree Juhlin indicated it takes 51% and the Chair explained that the problem with that part of the community is that a lot of them are rentals, and they think they are just going to rent it and then knock it down to get more money out of it. Commissioner Segner suggested letting the city do it, because that is all legalese if they want to keep it in there, and let's move on to something we have an effect on.

1509. - Audree Juhlin indicated now the Commission needs to decide what the Commission already recommended for approved. You can cancel that with a motion and start fresh with what James Gardner had, and insert it in as you feel is appropriate. Commissioner Holmes asked if this is where the information that James did fits into the document and we haven't decided if we had okayed this or not. Audree Juhlin stated that staff doesn't know what was okayed; that is the problem, we couldn't understand the motions. We think some of what James put together in a rough draft did not get included in the motion, but some of it perhaps did, but we are not sure what was included.

Chair Unger asked Vice Chair Jarmusch how much from this point forward had she made changes to; however, the Chair then asked if the Commission was going to add a section or take 1509 and call it Certificate of Appropriateness and Certificate of No Effect. Audree Juhlin suggested starting with trying to figure out what the Commission recommended for approval or just disregard that through a motion and start over. Chair Unger then stated that the Commission would disregard that through a motion and start over. Audree Juhlin indicated that she could then hand out what James Gardner provided in July for use as a base.

Commissioner Segner noted that the Commission isn't going to vote on it anyway, because staff is going to rework the whole thing, and Chair Unger agreed, and again asked if 1509 would just be Certificate of Appropriateness, and then a 1510 would be added. Warren Campbell pointed out that James had combined them into the one section, and Audree agreed that he did a nice job of trying to put them together. It needs tweaking, but he spelled out if it is this, then you need a Certificate of Appropriateness, but if it is that, you need a Certificate of No Effect. The Chair indicated that is great and staff has that to hand out.

Chair Unger called a recess at 3:00 p.m. and reconvened the meeting at 3:10 p.m.

Chair Unger indicated that she would entertain a motion to nullify the motion and the amended motions from agenda number 4 on the Historic Preservation meeting of July 13, 2015, which contain and were related to amendment to (Section) 1509 of Article 15 of the Land Development Code.

MOTION: Commissioner Segner moved to make the motion as just stated. Vice Chair Jarmusch seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Two positions are vacant.

Audree Juhlin asked if that was the second amended motion that was read, and the Chair explained that there were three amendments to that one, but there was also another motion made that was not related to that, so we are leaving that and it was not included in her motion.

Audree Juhlin then suggested in the interest of time that the Commission allow staff to take what James put together in July and incorporate it into the document you have been going through today, and she will send it out to the Commission in advance of the next meeting, and then we can come to the next meeting for the final discussion.

Chair Unger indicated there had been discussions about adding language regarding people maintaining their property, and Audree Juhlin indicated that is also in James Gardner's document.

The Chair then noted that all of that will be added to it, and Commissioner Segner added that staff is going to rewrite this, but Vice Chair Jarmusch won't also do that, because we don't want two people doing the same thing, but the Vice Chair will go over it when she gets it. The Chair pointed out that all Commissioners will be going over it again, but the Vice Chair can, because she did such a beautiful job of bringing this all in front of the Commission. Audree Juhlin indicated that if it is okay with the Commission, before it is sent to the group she will send it to Vice Chair Jarmusch to be proofed. The consensus was that would be great.

6. Discussion/possible action regarding the demolition of 86 Saddlerock Circle, the Lowman House, and the Commission's involvement with future demolition requests

Chair Unger indicated that the building on the Biddle's property was discussed at the Commission's last meeting. The city did a brilliant job of writing a report on it, but following a long discussion with Warren and Audree and their explanation that it was a property that we would like for them to consider leaving, they couldn't convince the developer to leave it, and given the fact that the property was not landmarked, they made the decision to demolish it and it is gone. The Commission discussed how we should react to this, such as writing a newspaper article discussing what had happened and how sad we were to see that had been demolished.

Commissioner Segner stated that there are a couple of ways it could be approached. He was totally within his rights to do it, so you will have people saying the city is being a bully by not letting him do it. The other thing is that he is going to come back at some point and ask for some forgiveness on some zoning issues on that property, and that is the appropriate time for the Commission to say that he says he is a good neighbor and he is going to do all of these great things, but he acted in this way, and that is a good way to see how he might act in the future. He doesn't like to be proactive and write a letter saying that he is a jerk. We should wait until he brings his whole thing forward, and then Commissioner Segner stated that he would be happy to go down and say that he didn't work well with the city or the Commission in this process.

Chair Unger asked if that would be appropriate for the Commission to do; she can see doing that on a personal level, but in terms of being representatives of the Commission. Audree Juhlin stated that when the city receives an application, it will most likely be for a zone change, which is discretionary and the city doesn't have to grant it. We can provide the Commission an opportunity to make comments on that application, and at that time, it absolutely would be appropriate to say that you are disappointed, but it would be in a meeting like this and be agendaized for formal action as a Commission. You can individually comment without being it associated with the Commission, but it also can be done as a Commission. The Chair indicated that she is in favor of Commissioner Segner's approach, because it will be almost off of people's radar right now, but it will come back onto the radar and in a much stronger sense when somebody says they want to do something with that property. She has talked about not understanding why they were doing it, when that might have been something we could have all worked with, but their decision was not to.

Commissioner Segner indicated that the first development group was going to keep that building and it was built into the plan to save it, and they came to the hotel association and indicated all of the great things they were doing, and that was a nice proactive way of looking at it, but this one was basically saying they could do what they wanted, and he said you can, but we all have long memories, so let's just wait and save our memories. Chair Unger and Commissioner Holmes agreed, and Commissioner Holmes stated that the Commission could also resolve again to do what we can to add status to historical buildings in our town, so people are more likely to want to preserve them, and it would be with a "charm" offensive and PR, etc. to develop a sense of historic preservation being cool.

Commissioner Segner suggested looking at the Commission being involved in any demolition of a building over 50 years and asked if a process could be written, so they would fill out an application and we would look at it, and if there is a zoning change involved, we could maybe say yes or no. Chair Unger noted that the Commissioner is making a recommendation to write it into Article 15.

Audree Juhlin indicated that she would review Article 4 of the Land Development Code that talks about procedures and the Commission's involvement. It talks about HPC's involvement in zone changes when it is in a Historic District, but she will look into it. Commissioner Segner suggested if nothing else just having a discussion with them. He doesn't know that the Commission would have any power, unless they were getting a zoning change, but then we might be able to say we don't agree with it. Audree Juhlin pointed out that we do have some ability, even in non-discretionary actions like a Development Review. If it is in an area that we think is significant, we would send it to the Commission for comment. We have like 40 agencies that we send all of the applications to for review and comment, so there is no reason why we couldn't include this Commission in the review of any of the applications when appropriate.

Chair Unger stated that when anything is on the survey, even if it is not landmarked, there is a tag if somebody is going to knock it down, and that automatically comes to our attention. It doesn't mean that we can necessarily do anything and that is what happened with this, but it is part of it. Commissioner Segner indicated that a prime example is in Uptown off of Jordan Road on Apple and those little streets. There are some interesting walls and structures that would be nice to save, and if somebody says they are going to knock down their house and join two lots, it would be nice if it came to the Commission so we could say they have to save the wall, etc. Audree Juhlin pointed out that is something again that Legal would have to weigh-in on; she doesn't know that we would have the ability to do that at any level unless it is a zone change.

Chair Unger indicated that part of this item is the Commission's involvement with future demolition requests, and that is sort of what Commissioner Segner was talking about, and she would agree. Commissioner Grams indicated that she was very sad and disgusted, but she also feels that we need to be more proactive before even the demolition. When somebody is to that point, you will have a hard time. The house had been sitting there and it was in disarray; it was terrible, with shrubs, etc., piled up so you could hardly see it, but maybe, he should have taken some action then to try to establish it as a historic property. Commissioner Segner pointed out that they wouldn't, because they owned it; however, Commissioner Grams indicated that at least we would have had our foot in the door. Commissioner Segner stated that if they were required to come in front of this Commission on properties 50 years or older, they would have said they were going to knock it down, and the Commission would have said they had the right to do that, but it will reflect on your development and how the Commission will act on the development. Commissioner Holmes noted that sounds a little Mafioso. The Chair indicated that she didn't know that the Commission could go that far, and Audree Juhlin explained that the Commission can't, and the other consideration is that you have a survey that gives an analysis of properties, and in this case, it did not recommend landmarking the property, so you have to be careful of contradicting yourselves.

Commissioner Grams agreed and added that it should have been indicated a long time ago. She used to be in there a lot and noticed it. She knew it was very old, and there is another one behind Hertz Car Rental up on the hill. The Commissioner then asked if that is an old property; it looks very old. Mr. Newton who had the stone area and, as she understands, the Newton family had that land three or four generations back, and that is an old place that has been remodeled some, so it is more livable and decent-looking, but she has looked at that over the years and wondered.

Commissioner Segner indicated that the Commission could designate properties as significant and just list them. We could say this is a great piece of property, a great wall, and just by saying that, we could encourage people to incorporate it and not demolish it. There is no law to say they can't, but when someone says that is a really famous garage and could you work it in, he would try.

Chair Unger indicated that a program for registering properties that can't be landmarked, but still have relevance would be on the agenda and that could help. When the Commission starts looking more into what we are doing in Article 15, it says that the Commission needs to educate and that is one thing we can look into. We don't need to educate the public about the history of Sedona; we have to educate them about the history of. . . We are very limited; she always worried about the thought that we had to take the place of the Sedona Historical Society and that is different. They

are doing it, and all we do is what Article 15 tells us. We look at the properties and what has been left in that sense, and that is what we need to educate people about.

Commissioner Segner talked about significant homes by different architects in Beverly Hills, and if they are listed, you drive around and look at the significant homes. In Illinois, one town has seven Frank Lloyd Wright houses, so you find them, tell people about them, and they drive by them daily but have never seen them, and here is the significance of them. Like the building just finished in Uptown and what is the significance of that? What if we said, this is the significance of this building. That one happens to be landmarked, but we could call out significant architectural pieces, even trees. In California, they pick out some of the Oaks that are 300-400 years old and protect them. Commissioner Grams noted that they actually have a plaque.

Chair Unger indicated that at the Historic Preservation Conference, they talked about having a new register for landscapes, etc., so she likes that we are paying more attention to that in Article 15 of the Land Development Code, because that is something the federal and state government is starting to look at more closely, and that register is going to be similar to the landmark register.

Vice Chair Jarmusch indicated that she liked Commissioner Segner's idea and we could do a booklet with a map to say that these are Sedona's greatest hits from Sedona's loyal preservationists. Audree Juhlin explained that we would have to have the property owners' permission. The Vice Chair indicated not if you just look at it from the street; however, Audree Juhlin indicated yes, because some people don't want people going there. Chair Unger noted that the Hummingbird House loves for the Commission to say something and we could do the George Jordan Sales Building. Commissioner Grams asked about the barn by Biddle's, and Commissioner Segner indicated that has all been bought by the developers. Audree added that it is no longer there, they tore it all down, and Commissioner Grams stated that could have been a wonderful restaurant or museum, etc.

Commissioner Segner indicated that a proactive developer would have said they want to develop there, so what can be done to get more out of my property than zoning allows, and we would have said maybe save this building and the barn, but they weren't interested in that kind of approach. Chair Unger again stated that waiting until the Commission sees something happening with that property is probably the best way to handle it going forward. We can think about articles for the paper about other things, to make sure we stay in the public eye, but let's do what Commissioner Segner suggested.

7. Discussion regarding future meeting dates and future agenda items

Commissioner Holmes indicated that Planning & Zoning is going to have a presentation by Cynthia about the development of the park on Brewer Road, and we can see that. Chair Unger noted that is Thursday at 3:30 p.m.

Chair Unger indicated that looking at meetings last year, we weren't on a regular schedule at all, and November 9th is two weeks away. Commissioner Segner indicated that he would not be available, and Audree Juhlin stated that staff wouldn't be ready to continue with Article 15 on the 9th, so she would suggest going to the next meeting in December. The Chair noted that would be December 14th. Audree Juhlin explained that would include completing the changes, getting them to Vice Chair Jarmusch and then to the Commission.

The Chair indicated that Thanksgiving is also during that time, and it would be better not to rush into this. If we could get it done in the next meeting, she would feel that is an accomplishment, although we may need to look at January, but Audree will probably have most of the wording done, so we won't have to go back and forth as much, so let's do December 14th at the regular meeting time of 4:00 p.m., and that probably will take most of the meeting, although we have to come up with a Work Plan and we were going to vote on the Chair and Vice Chair at that point. Audree Juhlin

suggested waiting for that until the other two Commissioners have at least attended a meeting; it could be done in January or February.

Commissioner Segner suggested a work session in January for the Commission to visit some homes and talk about how we write them up; we need a training session. Chair Unger indicated that instead of a training session doing that in January, she would prefer doing a training session on the Handbook and all of the technical stuff and move that other one. Both are really necessary, and they will be seated by December.

Audree Juhlin explained that in the December 14th meeting and the first meeting in January, we also need to have the Work Program and budget on the agenda. Chair Unger asked Audree to send her something to give her an idea or meet before December to look at it a little. Commissioner Segner indicated that the budget should be easy; we don't do anything extracurricular and we should shoot for ten meetings. Chair Unger noted that the Commission usually doesn't meet during two of the months, so ten is normal. Audree Juhlin pointed out that the budget wasn't agendized for discussion, and the Chair agreed.

8. Adjournment

The Chair called for adjournment at 3:38 p.m., without objection.

I certify that the above is a true and correct summary of the special meeting of the Historic Preservation Commission held on October 26, 2015.

Donna A. S. Puckett, *Administrative Assistant*

Date