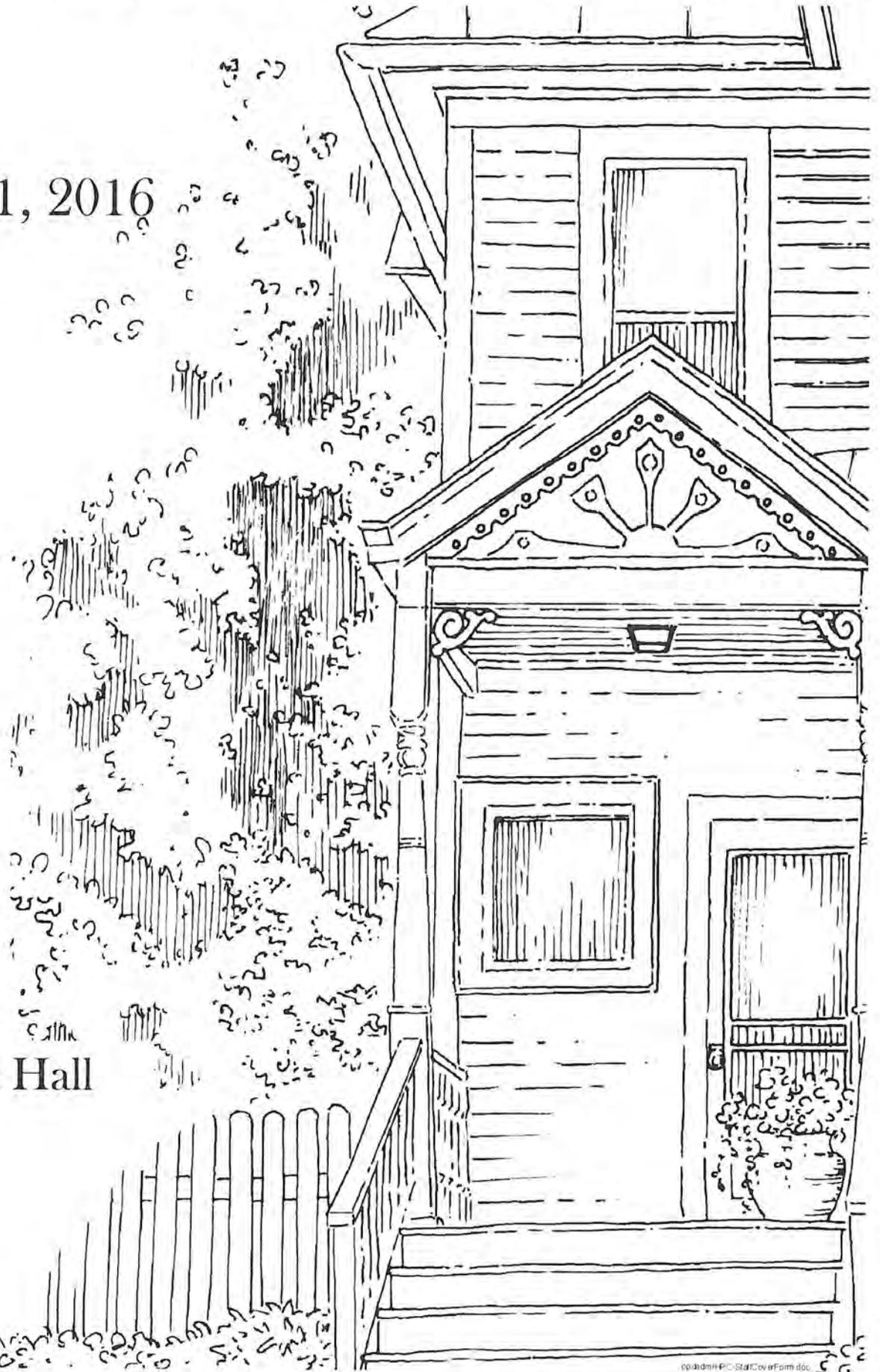
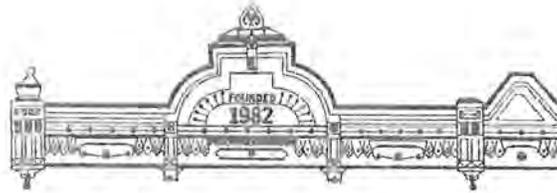


Iowa City Historic Preservation Commission

Thursday
February 11, 2016
5:30 p.m.



Emma Harvat Hall
City Hall



IOWA CITY HISTORIC PRESERVATION COMMISSION

Thursday, February 11, 2016

City Hall, 410 E. Washington Street

Emma J. Harvat Hall

5:30 p.m.

- A) Call to Order**
- B) Roll Call**
- C) Public discussion of anything not on the agenda**
- D) Public Hearing – Discuss landmark designation for 716 N. Dubuque Street**
- E) Report on Certificates issued by Chair and Staff**
 - Minor Review – preapproved item – Staff review**
 - 113 South Johnson Street – College Green Historic District (entry door replacement)
 - Update – Chair and Staff review**
 - 328 Brown Street – Brown Street Historic District (addition plans revised and approved)
- F) Review of By-laws and Procedures**
- G) Consideration of Minutes for January 14, 2016**
- H) Adjournment**



CITY OF IOWA CITY MEMORANDUM

Date: February 3, 2016
To: Historic Preservation Commission
From: Robert Miklo, Senior Planner and Jessica Bristow, Historic Preservation Specialist
Re: 716 N. Dubuque Street – Phi Kappa Sigma Fraternity

Applicant Ross Nusser has requested that the property at 716 N. Dubuque Street be designated as an Iowa City Historic Landmark. Designation of the property as a Landmark will require Commission approval of any significant changes to the exterior of the building. Landmark status will also make the property eligible for certain zoning incentives.

The enclosed Iowa Site Inventory Form, Property Characteristic Form, Evaluation Sheet, and additional photos provide evidence and a discussion of the building's architecture and history. The building was constructed in 1931 as a fraternity house. Typical of many Greek letter houses, it was built in a revival style. It is a two and one-half story L-shaped Tudor Revival house that has retained a high-level of historic integrity.

To qualify for designation as a Landmark, the subject property must meet approval criteria a. and b. and at least one of approval criteria c., d., e., or f:

- a. Significant to American and/or Iowa City history, architecture, archaeology and culture;
- b. Possesses integrity of location, design, setting, materials and workmanship;
- c. Associated with events that have made a significant contribution to the broad patterns of our history;
- d. Associated with the lives of persons significant in our past;
- e. Embodies the distinctive characteristics of a type, period, or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- f. Has yielded or may likely yield information important in prehistory or history.

Following the rapid expanse of the University in the 1920's a number of Greek Houses were constructed and remain as architectural evidence of the increased impact of the University Community in the culture of Iowa City during this period. 716 Dubuque Street meets criteria A as a remaining representative of this important part of Iowa City's architectural history. The property is located along North Dubuque Street in "fraternity row", was constructed of high quality brick and stone materials, and remains intact with the exception of replacement windows and a removed brick wall at the front entry and along the north alley. As such, this property meets criteria B. In addition, the property is representative of the Tudor Revival style, one of the revival styles common with the Greek Houses in the neighborhoods surrounding the University during the property's period of significance, 1839-1946. As an intact and characteristic representative of this Style, the property meets criteria E. Finally, in 1997, the property was reviewed by the Iowa State Historic Preservation Officer who determined that the property appeared to be eligible for listing on the National Register of Historic Places.

Based on the information provided in the Site Inventory Form, staff finds that the property meets criteria a, b, and e and therefore qualifies as an Iowa City Historic Landmark.

Recommended Motion:

Move to approve the designation of 716 N. Dubuque Street (Phi Kappa Sigma Fraternity) as an Iowa City Historic Landmark based on the following criteria for local designation: criteria a, b and e.

IOWA SITE INVENTORY

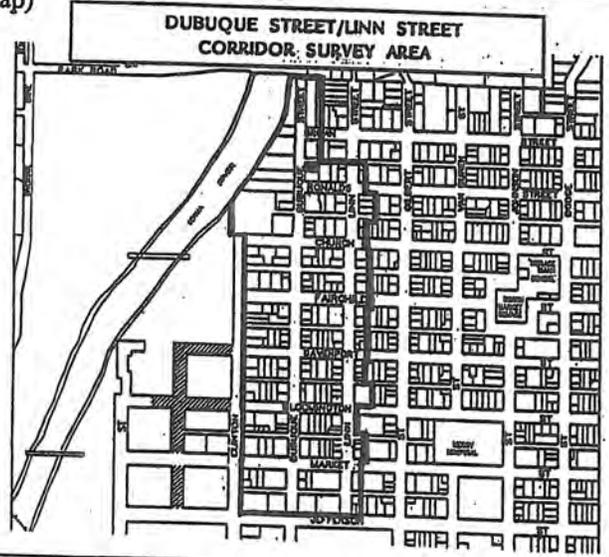
Survey ID Number 52-010-D087
 Database ID Number _____
 Nonexant _____

Location and Functional Information

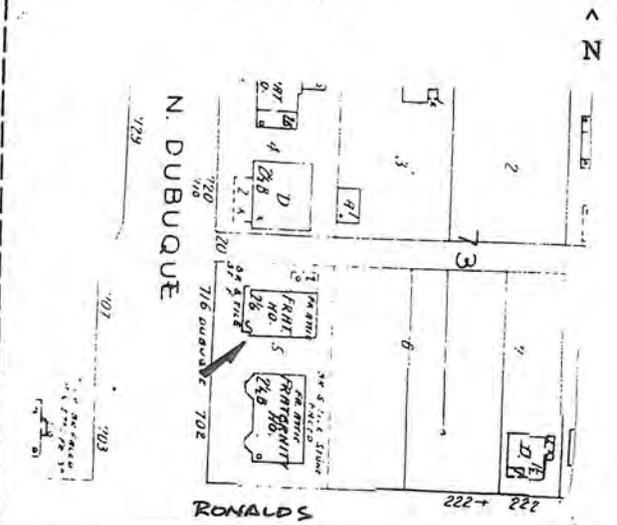
1. Historic Name(s) Phi Kappa Sigma Fraternity
 2. Common Name(s) _____
 3. Street Address 716 N. Dubuque St.
 4. City Iowa City Vicinity [] 5. County Johnson
 6. Subdivision Original Plat 7. Block(s) 73 8. Lot(s) 5
 9. Legal Description: (If Rural) _____ Township Range Section Quarter of Quarter of _____

	Description	Code
10. Historic Function(s) <u>Fraternity House</u>		
11. Current Function(s) <u>Fraternity House</u>		
12. Owner <u>John Laverty</u>		Phone # _____
Address <u>375 Eastland Dr. SE</u>	City/State <u>Cedar Rapids, IA</u>	ZIP <u>52403</u>

(Plat Map)



(Sketch Map)



(Integrity Notes)

Roll/Frame 1 / 22 Photographer Moraski/Kugler
 View Looking E/SE
 Location of Negatives: S.H.S.I.



Property Characteristic Form - Residential

CFN 259-1402
8/25/89

Survey ID Number 52-010-D087
Database ID Number _____

Street Address 716 N. Dubuque St. City Iowa City County Johnson
Legal Description: (If Rural) _____ Township _____ Range _____ Section _____ Quarter _____ of Quarter _____ of _____

Location Integrity: Original Site Moved _____ Moved to Original Site _____

Endangered? or If yes, why? _____

Ground Plan: a. Building Shape(s) L-shaped b. Width 40 by Depth 60 in units

Architectural Style/Stylistic Influences	Key Stylistic Attributes	Code
<u>Late 19/Early 20th Century Revival:</u>	<u>Steeply pitched gables, half-timbering,</u>	<u>53</u>
<u>Tudor</u>	<u>stone surrounds and arch</u>	

Materials: Foundation	<u>Poured concrete</u>	<u>100</u>
Walls	<u>Stone, E. side brick, N 3rd, 4th floors stucco over brick/</u>	<u>40/30/60</u>
Roof	<u>Asphalt shingle wood beams</u>	<u>80</u>

Number of Stories _____ 4

Roof Shape Gable _____ 1

Builder(s) Unknown Architect(s) Unknown

Original Construction Date 1931 Modification/Addition Dates: _____

Significant Interior Components: _____ Continuation Sheet []

None noted

Surveyor Comments: _____ Continuation Sheet []

This was originally the Pi Kappa Alpha house.
Do not know when it changed.

Sources: Sanborn Fire Insurance Maps: 1888, 1892, 1899, 1906, 1912, 1920, 1926, 1933. _____ Continuation Sheet []

Gebhard & Mansheim, p. 249

Needs Further Study/Anomaly [] _____ Continuation Sheet []

Surveyor Moraski/Erwin/Kugler Date 1995-96

IOWA SITE INVENTORY FORM
EVALUATION SHEET

ADDRESS: 716 North Dubuque
Iowa City, IA

SURVEY ID # 52-010-D087

REVIEWED BY: Molly Myers Naumann, Consultant

DATE: February 1996

ARCHITECTURAL SIGNIFICANCE & ASSOCIATED CONTEXTS:

Dubuque/Linn Street Corridor: 1839-c.1946

APPLICABLE NRHP CRITERIA: A B C D
NRHP ELIGIBILITY: INDIVIDUAL YES NO
CONSERVATION DISTRICT: CONTRIBUTING NON-CONTRIBUTING

This two and one-half story gable roof building (three and one-half on the north side) was constructed in 1931 as a fraternity house. No architect has yet been identified. Like many other Greek letter houses in Iowa City it was built in a popular revival style, in this case, Tudor Revival. The exterior is of stone with stone surrounds at the doors and windows and quoined corners. A rear wing was added at the second floor level and this is covered with the traditional half-timbering. A small "garden gate" with stone surround is located to the left of the main entrance. The house retains a high level of integrity. It may be individually eligible with further research, and is definitely a contributing structure in the North Dubuque Conservation District.

HISTORICAL SIGNIFICANCE & ASSOCIATED CONTEXTS:

Dubuque/Linn Street Corridor: 1839-c.1946

APPLICABLE NRHP CRITERIA: A B C D
NRHP ELIGIBILITY: INDIVIDUAL YES NO
CONSERVATION DISTRICT: CONTRIBUTING NON-CONTRIBUTING

In the 1920s and '30s fraternity and sorority houses were being built in various parts of Iowa City, including the Clinton and Dubuque streets area. (There were eight built on North Dubuque alone between 1920 and 1933.) These were often replacing houses that the Greek letter societies had purchased or rented to provide housing for their members. The new houses appear to have been architect designed and were primarily in various popular revival styles. This construction coincided with a period of tremendous growth for the State University of Iowa. Enrollment grew from 5345 in 1920 to 8235 in 1930, and peaked near 10,000 a little later in that decade. There were 33 new buildings constructed on the campus between 1916 and 1934, in addition to the construction of almost two dozen fraternity and sorority houses. These houses exemplify the Development of the University of Iowa context. While some may be individually eligible, all Greek letter houses in Iowa City need to be surveyed and then re-evaluated as a sub-context of the University context. This house may be individually eligible and is presently considered a contributing structure in the district.

PREPARED BY: Molly Myers Naumann, Consultant
ADDRESS: 167 W. Alta Vista, Ottumwa, IA 52501
AFFILIATION: Iowa City Historic Preservation Commission
ADDRESS: 401 E. Washington, Iowa City, IA 52240

PHONE: (515) 682-2743

DATE: February 1996

PHONE: (319) 356-5243

Site Inventory Form

State Historical Society of Iowa
(November 2005)

ELIGIBLE

State Inventory No. 52-01537

New Supplemental

Part of a district with known boundaries (enter inventory no.) _____

Relationship: Contributing Noncontributing

Contributes to a potential district with yet unknown boundaries

National Register Status:(any that apply) Listed De-listed NHL DOE

9-Digit SHPO Review & Compliance (R&C) Number 12075204

Non-Extant (enter year) _____

1. Name of Property

historic name Phi Kappa Sigma Fraternity

other names/site number Successful Living

2. Location

street & number 716 N. Dubuque St.

city or town Iowa City

vicinity, county Johnson

Legal Description:(If Rural) Township Name _____

Township No. _____ Range No. _____ Section _____ Quarter of Quarter _____

(If Urban) Subdivision Original Town

Block(s) 73

Lot(s) 5 & 6

3. State/Federal Agency Certification [Skip this Section]

4. National Park Service Certification [Skip this Section]

5. Classification

Category of Property (Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

If Non-Eligible Property

Enter number of:

- buildings
- sites
- structures
- objects
- Total

If Eligible Property, enter number of:

Contributing

Noncontributing

- 1 buildings
- sites
- structures
- objects
- 1 Total

Name of related project report or multiple property study (Enter "N/A" if the property is not part of a multiple property examination).

Title Dubuque St./Park Rd. Bridge: Architectural/Historical Intensive Study

Historical Architectural Data Base Number 52-106

6. Function or Use

Historic Functions (Enter categories from instructions)

Current Functions (Enter categories from instructions)

05E03 EDUCATION/education-related/fraternity

01D07 DOMESTIC/transitory housing/boarding house

7. Description

Architectural Classification (Enter categories from instructions)

Materials (Enter categories from instructions)

06D LATE 19TH AND 20TH CENTURY REVIVALS/

foundation

10 CONCRETE

Tudor Revival

walls (visible material) 04 STONE

roof

08 ASPHALT

other _____

Narrative Description (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)

8. Statement of Significance

Applicable National Register Criteria (Mark "x" representing your opinion of eligibility after applying relevant National Register criteria)

- Yes No More Research Recommended

- A Property is associated with significant events
- B Property is associated with the lives of significant persons.
- C Property has distinctive architectural characteristics.
- D Property yields significant information in archaeology or history.

County Johnson
City Iowa City

Address 716 N. Dubuque St.

Site Number 52-01537
District Number

Criteria Considerations

- A Owned by a religious institution or used for religious purposes. E A reconstructed building, object, or structure.
 B Removed from its original location. F A commemorative property.
 C A birthplace or grave. G Less than 50 years of age or achieved significance within the past 50 years.
 D A cemetery.

Areas of Significance (Enter categories from instructions)

29 SOCIAL HISTORY

02 ARCHITECTURE

Significant Dates

Construction date
1931 check if circa or estimated date
Other dates, including renovation

Significant Person

(Complete if National Register Criterion B is marked above)

Architect/Builder

Architect
unknown but likely achitect designed
Builder

Narrative Statement of Significance (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)

9. Major Bibliographical References

Bibliography See continuation sheet for citations of the books, articles, and other sources used in preparing this form

10. Geographic Data

UTM References (OPTIONAL)

Zone	Easting	Northing	Zone	Easting	Northing
1	_____	_____	2	_____	_____
3	_____	_____	4	_____	_____

See continuation sheet for additional UTM references or comments

11. Form Prepared By

name/title Jan Olive Full
organization Tallgrass Historians L.C.
street & number 2460 S. Riverside Dr.
city or town Iowa City state IA date 4/12
telephone 319-354-6722
zip code 52246

ADDITIONAL DOCUMENTATION (Submit the following items with the completed form)

FOR ALL PROPERTIES

- Map:** showing the property's location in a town/city or township.
- Site plan:** showing position of buildings and structures on the site in relation to public road(s).
- Photographs:** representative black and white photos. If the photos are taken as part of a survey for which the Society is to be curator of the negatives or color slides, a photo/catalog sheet needs to be included with the negatives/slides and the following needs to be provided below on this particular inventory site:

Roll/slide sheet #	Frame/slot #	Date Taken
_____	_____	_____
_____	_____	_____
_____	_____	_____

See continuation sheet or attached photo & slide catalog sheet for list of photo roll or slide entries.

Photos/illustrations without negatives are also in this site inventory file.

FOR CERTAIN KINDS OF PROPERTIES, INCLUDE THE FOLLOWING AS WELL

- Farmstead & District:** (List of structures and buildings, known or estimated year built, and contributing or noncontributing status)
- Barn:**
 - A sketch of the frame/truss configuration in the form of drawing a typical middle bent of the barn.
 - A photograph of the loft showing the frame configuration along one side.
 - A sketch floor plan of the interior space arrangements along with the barn's exterior dimensions in feet.

State Historic Preservation Office (SHPO) Use Only Below This Line

Concur with above survey opinion on National Register eligibility: Yes No More Research Recommended
 This is a locally designated property or part of a locally designated district.

Comments:

Evaluated by (name/title):

Thomas J. Child

Date:

April 5, 2012

Iowa Site Inventory Form Continuation Sheet

Site Number 52-01537

Related District Number

Page 1

Phi Kappa Sigma Fraternity	Johnson
Name of Property	County
716 N. Dubuque St.	Iowa City
Address	City

7. Narrative

Taken from Naumann, ISIF #52-01537: "This two and one-half story gable roof building (three and one-half story on the north side) was constructed in 1931 as a fraternity house. No architect has yet been identified. Like many other Greek letter houses in Iowa City it was built in a popular revival style, in this case, Tudor Revival."

The foundation is concrete, exterior walls are stone with colorful ashlar walls and smooth-cut monochromatic window surrounds and corner quoining. The side-gabled roof is steeply pitched with two prominent cross gables facing west. One cross gable holds the front entrance; the other likely contains a front lounge inside. A second-floor rear wing is clad in a faux "half timber" surface of wood and a stucco-looking infill material. The wing is supported at ground level by ashlar stone piers to form a sheltered porch. Significant landscape features include a "garden gate" out of stone and brick, which provides a formal entry to the side yard. Despite this building's conversion from a fraternity to a boarding house since 1996, the exterior shows no obvious changes. Integrity remains essentially as it was in 1996 at the time of Naumann's study.

8. Statement of Significance

Naumann's conclusions on significance under National Register of Historic Places Criteria remain valid today. She determined the building was a contributing resource under both Criterion C and A to a *conservation district*. The SHPO entered this into the state's data base as "contributing to a potential district." While Naumann recommended additional study of the city's "Greek houses" before finding any of them individually eligible, the loss of several of these important buildings in the last few years has increased the importance of those that remain. A city-wide study still is recommended, but until that is done, this building should be considered potentially individually eligible for both its architectural and historical importance. It is also a contributing building to the small historic district of fraternity houses that exists in the 700 and 800 blocks of N. Dubuque St.

9. Major Bibliographical References

Iowa City Assessor online property records.

Field inspection/photograph, October 2011.

Naumann, Molly Myers. "Phi Kappa Sigma Fraternity," Iowa Site Inventory Form No. 52-01537, State Historic Preservation Office, Des Moines, 1996.

Also see accompanying report.

**716 N. DUBUQUE - PHI KAPPA SIGMA FRATERNITY
CURRENT PHOTOGRAPHS**



716 N. DUBUQUE - PHI KAPPA SIGMA FRATERNITY HISTORIC PHOTOGRAPHS



University of Iowa Special Collections

Photo from 1956-1960



University of Iowa Special Collections

Photo from c. 1980



CITY OF IOWA CITY MEMORANDUM

Date: February 4, 2016
To: Historic Preservation Commission
From: Bob Miklo, Senior Planner
Re: Meeting Procedures and By-laws

Based on the discussion at last month's meeting we have drafted meeting procedures and updates to the by-laws (shown in red). The procedures are based on those of the Planning and Zoning Commission. The additions to the by-laws are also modeled on the by-laws of the Planning and Zoning Commission and the Board of Adjustment.

If the Commission decides to adopt these changes they will be submitted to the Rules Committee of the City Council for review prior to consideration by the full City Council.

Historic Preservation Procedures for Public Discussion

To ensure that interested parties have adequate time to address the Commission and that discussion can proceed in a timely manner regarding issues before the Historic Preservation Commission, it is the intent of the Commission to observe the following procedure.

After introducing the item for discussion, the Chairperson of the Commission will:

1. Ask the staff for a report.
2. Ask for questions from members of the Commission to the City staff.
3. Ask the applicant if they would like to present information.
4. Open the issue for public discussion:
 - a. Each speaker is asked to limit their comments to five minutes.
 - b. After everyone who wishes to has spoken, a second round of discussion may be held. Each speaker is asked to limit their comments to two minutes.
5. Close public discussion and ask the Commission members for the appropriate motion.
6. Moderate Commission discussion and call for the vote.

General Information:

1. Questions regarding the issue under discussion should be addressed to the Chairperson.
2. Speakers are asked to approach the podium, give their name and address, print their name and address on the form provided, and speak into the microphone.
3. The Chairperson may place time limitations on application presentations or total time for public discussion.

Thank you for your cooperation.

Public involvement is the cornerstone of good government.



PROPOSED UPDATE BY-LAWS IOWA CITY HISTORIC PRESERVATION COMMISSION

ARTICLE I.

MEETINGS

Section 1. Regular Meetings. Regular meetings of this Commission shall be held once each month. In addition, a date and time ~~shall~~ may be reserved for a second meeting each month for the purpose of reviewing Certificate of Appropriateness applications. If no applications are filed for review at the second meeting, the meeting need not occur.

Section 2. Special Meetings. Special meetings of the members may be called by the Chairperson and shall be called by the Chairperson's at the request of three or more members of the Commission.

Section 3. Place of Meetings. Regular meetings shall be in the City Hall or other appropriate meeting place in Iowa City, Iowa. Should these places be unavailable, another meeting place shall be selected. The meeting place shall be accessible to people with disabilities.

Section 4. Notice of Meeting. Notice and agenda for all regular meetings shall be distributed to all members of the Commission and the press. Special meetings may be called upon notice to all members of the media at least 24 hours before a special meeting is held. All provisions of the State Open Meetings Law shall be followed.

Section 5. Quorum. A majority of the members of the Commission shall constitute a quorum at any meeting and a majority of votes cast at any meeting at which a quorum is present shall be decisive of any motion or election.

Section 6. Proxies. There shall be no vote by proxy.

Section 7. Public Discussion. Time shall be made available during all regular meetings for open public discussion.

ARTICLE II.

MEMBERSHIP

Section 1. Membership. The Historic Preservation Commission shall consist of one representative from each historic district and four members selected at-large. The Chairperson and Vice-Chairperson will be elected annually by the Commission members. All members shall be qualified electors of the City of Iowa City, Iowa, and shall serve as members without compensation, but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of their duties.

Section 2. Nomination. The City Council shall appoint members to the Historic Preservation Commission as vacancies occur. If a position/appointment becomes vacant by reason of resignation or otherwise and results in an unexpired term, the Council may choose to fill the unexpired term in such a manner that the appointee shall continue in the position not only through the unexpired term but also through a subsequent regular term.

Section 3. Terms. Members shall be appointed for three-year terms. All terms expire March 29 and no more than four terms may expire in any given year.

Section 4. Absences. Three consecutive unexplained absences of a Commission member may result in a recommendation to the Mayor from the Commission to discharge such member and appoint a new Commission member.

Section 5. Orientation for New Members. Prior to the first regular meeting following their appointment, new members shall be provided with copies of the pertinent portions of the City Code, Historic Preservation Commission By-laws, and other documents that would be useful to Commission members in carrying out their duties.

ARTICLE III.

OFFICERS

Section 1. Number. The officers of this Commission shall be a Chairperson and Vice-Chairperson, each of whom shall be elected by members of the Commission.

Section 2. Election and Term of Office. The officers of this Commission shall be elected annually.

Section 3. Vacancies. A vacancy in either office shall be filled by Commission members for the unexpired portion of the term.

Section 4. Chairperson. The Chairperson shall, when present, preside at all meetings of the members, appoint committees, call special meetings and in general perform all duties of the Chairperson and such other duties as may be prescribed by members from time to time.

Section 5. Vice-Chairperson. In the absence of the Chairperson or in the event of death, inability or refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairperson.

ARTICLE IV.

CONDUCT OF COMMISSION AFFAIRS

Section 1. Agenda. The Chairperson or a designated representative, together with appropriate members of the City staff, shall prepare an agenda for all regular Commission meetings. Agendas are to be sent to Commission members, the City Council and the media at least three days prior to the regular meetings.

Section 2. Secretary. A secretary, not to be a Commission member, shall be provided for all regular and special meetings.

Section 3. Minutes. Minutes of all regular and special meetings are to be prepared and distributed to Commission members and approved by the Commission prior to being sent to City Council, in the manner prescribed by the Council. Specific recommendations for the Council are to be set off from the main body of the minutes, and appropriately identified.

Section 4. Policies and Programs. Periodically, the Commission shall review the policies and programs of the City relating to historic preservation, and make such recommendations to the City Council as are deemed appropriate.

Section 5. Referrals from Council. From time to time letters, requests for information, requests for recommendations, and other matters are referred to the Commission by the City Council. The Commission shall initiate the consideration of such items at the next regular meeting following receipt, and shall notify Council of its disposition.

Section 6. Attendance at Council Meetings. The Commission Chairperson or designated representative are to be in attendance at all City Council meetings, including informal sessions, at which matters pertaining to the Commission are to be discussed or when actions concerning the Commission's responsibilities are to be taken. The Commission's Chairperson is to receive Council agenda prior to each Council meeting, and is to be otherwise notified of meetings involving Commission business.

Section 7. Annual Report. An annual report, detailing the activities of the Commission, shall be prepared by the Chairperson, approved by the Commission, and submitted to the City Council.

Section 8. Liaison with Planning and Zoning Commission. At such time as the Commission undertakes any business which is deemed pertinent to the activities of the Planning and Zoning Commission, the Planning and Zoning Commission shall be so notified, and may send a representative to the next meeting of the Historic Preservation Commission to act as a liaison between the two Commissions.

Section 9. Ex parte Contacts. A member who has had a discussion of an agenda item outside of a public meeting with an interested party shall reveal the contact prior to staff report, naming the other party and sharing specifics of the contact, copies if in writing or a synopsis if verbal. Provided, however, that in ruling upon applications for certificates of appropriateness, the Commission is acting in a quasi-judicial capacity. In these matters, ex parte communications item outside of a public meeting between members of the Commission and parties or persons with a personal interest in the application should not occur, in accordance with *Rodine v. Zoning Board of Adjustment of Polk County*, 434 N.W. 2d 124 (1988).

Section 10. Conflict of Interest. A member who believes they have a conflict of interest on a matter about to come before the Commission shall state the reason for the conflict of interest and leave the panel of the Commission before the discussion begins. The member may choose to leave the meeting room for the procedures for that application.

Section ~~10~~11. Design Review Subcommittee. The Commission shall have the authority to establish a historic preservation design review subcommittee to review and make recommendations to the Commission regarding applications for certificates of appropriateness. Said subcommittee shall consist of three members of the Commission, appointed annually by the Commission, to serve one year terms.

ARTICLE V.

AMENDMENTS

Section 1. These by-laws may be altered, amended or repealed and new by-laws may be adopted by the members at any regular meeting or at any special meeting called for that purpose.

MINUTES
HISTORIC PRESERVATION COMMISSION
JANUARY 14, 2016
CITY HALL SECOND FLOOR CONFERENCE ROOM

PRELIMINARY

MEMBERS PRESENT: Kent Ackerson, Esther Baker, Kate Corcoran, Andrew Litton, Pam Michaud, Ben Sandell, Ginalie Swaim, Frank Wagner

MEMBERS ABSENT: Thomas Agran, Gosia Clore

STAFF PRESENT: Jessica Bristow, Bob Miklo

OTHERS PRESENT: Alicia Trimble

RECOMMENDATIONS TO COUNCIL: (become effective only after separate Council action)

CALL TO ORDER: Chairperson Swaim called the meeting to order at 5:30 p.m.

PUBLIC DISCUSSION OF ANYTHING NOT ON THE AGENDA:

There was none.

CERTIFICATE OF APPROPRIATENESS:

920 Dearborn Street.

Bristow said this property is in the Dearborn Street Conservation District near the railroad tracks. She said this is technically a non-contributing property.

Bristow said that it has a small shed roof addition on the back. She said the owner is mostly remodeling the inside, although he wants to get rid of what is probably an original rear door on the side and one of the three windows in the addition. Bristow said the owner also would like to get rid of a window that is on the south side of the addition.

Bristow said the owner will take out the window on the north side of the addition and put a new door in that location. She showed the door with which the owner would like to replace it.

Bristow said the house has vinyl windows and siding. She said that basically, a lot of these things are not what one would want to see, but since this is non-contributing, blending in with what is there would be much better than using something that does not blend in.

Bristow said staff recommends that the owner be allowed to match the siding where windows are taken out. She said the owner does not intend to put in any more windows or another size of window but only intends to remove the one window and leave the two in place. Bristow said staff recommends approval of this, based on that information.

Bristow said the owner plans to remove the deck and put in a larger deck. Bristow said the packet includes a plan she sketched in at about the proposed size. She said the owner is definitely setting the deck back more than the 18 inches required in the guidelines. Bristow said the owner will be working with her to insure that the railing meets the railing guidelines.

HISTORIC PRESERVATION COMMISSION

January 14, 2016

Page 2 of 8

Bristow said she does not feel that this will make any impact to the exterior, street view of this property at all.

Sandell asked about the material for the new deck. Bristow confirmed that it will be wood. She said that it will no longer have a metal railing.

Other male (Litton?) asked if the deck on the back would not have access. Bristow said the deck will be much like it currently is but just bigger. She said there would be a door where the one window currently is.

MOTION: Wagner moved to approve a certificate of appropriateness for the project at 920 Dearborn Street, as presented in the staff report. Baker seconded the motion. The motion carried on a vote of 8-0 (Agran and Clore absent).

REPORT ON CERTIFICATES ISSUED BY CHAIR AND STAFF:

Certificate of No Material Effect – Chair and Staff Review.

721 East College Street.

Bristow said that someone hit the shed-like garage in the back of this property, breaking some of the cement board siding. She said it is the textured type, and in order to match everything else, staff is letting the owner put it back. Bristow said the owner has meticulously taken care of what is here, even though it is not contributing. She said the owner is basically re-siding the unattached garage in the back.

314 South Summit Street.

Bristow stated that this house has a porch that needs reroofing. She said the owner is reroofing with membrane roofing. Bristow said the owner took down the original bead board, which was very deteriorated, and bought actual bead board instead of the bead board plywood and put it up and painted it.

Bristow said it has soffits on the entire house that do not fit the guidelines at all. She said staff talked to the owners about the fact that if they actually took down and put new soffit up, they should actually put up bead board soffit. Bristow said the owners claim they can put back what was taken down, and there is an insurance claim involved. Bristow said staff approved putting the aluminum soffit back up, as long as the owners purchase no more aluminum soffit.

Bristow said the owners have since found that it might actually be too deteriorated to put back up. She said the owners might have to purchase, and if they do, they are working to get the insurance company to approve actually meeting the guidelines and putting on the correct soffit. She said that it would only be on the porch though, not on the entire house.

607 Grant Street.

Bristow said that this is basically an asphalt shingle replacement.

636 South Governor Street.

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Bristow said this non-contributing property came before the Commission a while ago for the replacement of windows on the front. She said the owners are rebuilding the rear deck. Bristow said staff decided to let them have the rear deck in the same footprint that it originally had, even though it sticks out beyond the footprint of the house, because they are just rebuilding it in the same footprint.

Bristow said the owners will make all of the railing to match the guidelines. She said they will paint or stain it to blend with the house. Bristow said the posts on the deck are wrought iron, and they will use posts that match the current guidelines. She said the only way it will not be meeting the guidelines is that it protrudes from the side of the house a little bit, but again the house is non-contributing and they are not changing the size of the deck at all.

Minor Review – Preapproved Item – Staff Review.

728 Rundell Street.

Bristow said this project is a front door replacement. She said the owner is putting in a fiberglass, craftsman style door with three lights.

REVIEW OF BY-LAWS AND PROCEDURES:

Swaim said that although the Commission has procedures for public hearings, it does not have written procedures for conducting public discussion. She referred to the information about the procedures that the Planning and Zoning Commission (P&Z) follows. Swaim said she had asked Miklo and Bristow to make comparisons between the Planning and Zoning Commission's by-laws and the Historic Preservation Commission's by-laws to see where the Historic Preservation Commission (HPC) might make some additions.

In terms of the procedures, Miklo said that it might be very useful to have time limits when there are a lot of neighbors discussing controversial issues. He said that the time limits seem to help speakers focus on what their arguments are and help avoid a lot of repetition.

Miklo said the Planning and Zoning Commission has been using this for at least 15 years, and it has helped make its meetings more efficient and productive. He said that it is not part of the Planning and Zoning Commission's by-laws but rather is part of the procedures. Miklo said the information is placed at the entrance to the meeting room with the agenda so that any potential speaker would have a chance to read it and become familiar with it.

Miklo said the other thing that has not been consistent is that sometimes there is discussion and then the motion occurs and then there is a vote. He said probably the appropriate way to do it would be to have a motion and then discuss the motion and then have a vote.

Swaim asked what things the procedures should apply to. Miklo suggested they apply to anything for which there is a motion. He said he thinks it is more appropriate when there is an application, a landmark nomination, or an historic district. Miklo said that when the Commission is discussing the awards program or something like that, it would not be necessary.

Miklo stated that, for the Planning and Zoning Commission, after the staff report but before the applicant speaks, the Planning and Zoning Commission asks questions of the staff. He said the chair sometimes has to remind the Commission members when they go beyond asking

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questions and start debating the matter that this is the time for clarifying the issues and asking questions. Miklo said that it does take some discipline to have questions rather than discussion at that point.

Ackerson said the discussion on numerous occasions has affected what was moved and voted on. Miklo said the Planning and Zoning Commission handles that by having a motion, discussing the motion, and then they make amendments to the motion, or a motion is withdrawn.

Corcoran commented that it is the same procedure used for the Board of Adjustment. She said it is the idea that a motion is made, and then it is actually on the floor for discussion by the applicant and the public. Corcoran said then there is discussion by the Board and then the vote.

Miklo said there are pros and cons to each way. He said that by putting out a staff-recommended motion, everyone then knows what the motion is and can comment on whether he or she agrees with it. Swaim asked if someone then wants to amend the motion, does the initial motion have to be voted down. Miklo replied that if it is an amendment and not a total counter-motion, then it can be amended by adding or subtracting items.

Miklo stated that if it is a motion to approve a project and someone is against approval, after discussion that will be the vote. He said that the discussion would give the opportunity to say why someone should or should not vote for it.

Miklo said it is also the Planning and Zoning Commission's practice, once there is a motion on the floor and the Commission is discussing the item, to not take more discussion from the public or, generally, the staff. He said the Planning and Zoning Commission may ask questions of the applicant or staff, but it is the Planning and Zoning Commission's time to discuss the agenda item.

Corcoran asked if the order would then be the staff report with questions for staff, the public hearing for the applicant and any other speakers is opened and then closed, and then there is a motion. She said then the Commission would discuss the motion and make any amendments or whatever and then vote.

Miklo said that after everyone has spoken, the Commission could have another round of questions. He said the trick is to not get into debate but to have questions to get any clarification. Miklo said that once those questions are answered, the public discussion is closed and it is up to the Commission to discuss and vote.

Swaim said the P&Z by-laws refer to meeting in a place with accessibility, and she did not believe that is in the HPC by-laws. Miklo said that is standard procedure and is part of the open meetings act. He said there is no reason not to have it in, although it would be redundant.

Regarding who can make a motion, Miklo said it is the Commission's practice and is in Roberts Rules of Order that anyone but the Chair can make a motion. He stated that it would be good to clarify that.

Swaim referred to the Conflict of Interest Section of the P&Z By-laws. Miklo said that if the HPC wanted to adopt something like this, because each historic district has to have a member who lives in it and owns property, there will be cases where a member of the Commission has a

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conflict. He said that ideally there will be another party to represent him or her. Miklo stated that if there is not the possibility of another representative, the City Attorney's Office has said that the HPC member could represent his or her own case. He said that should be spelled out.

Michaud said that if one is representing his or her own neighborhood, he or she will be really vested in it. Corcoran asked in what kind of situations this would occur.

Miklo said that for P&Z, the person/applicant does not participate in the discussion. He said that P&Z is somewhat different in that the conflicts of interest have included situations where the P&Z Commission member was a University employee and his department of The University was involved or the member was a realtor and his or her firm was involved. Miklo said this is a little bit more difficult in terms of the HPC.

Swaim said if someone in her neighborhood has an application, it is in her interest to have the application be the best it can be, but she is also representing her district. Miklo stated that the State law was specifically written to include members who live in the district. He said that if someone in a member's district has an application, the Commission member does not automatically have a conflict of interest. However, Miklo said that if the member has a close, personal relationship with the neighbor and feels there is a bias, the member could recuse themselves. He said that from the other perspective to avoid offending a neighbor, a Commissioner may want to recuse themselves. He said it is up to each Commissioner determine when they have a conflict and choose to not participate.

Ackerson said it would not make sense for the historic district representative to always have to recuse himself. Miklo said that fortunately, most of the districts are large enough that this does not often come into play.

Miklo asked Ackerson and Litton how they felt the process went from the perspective of an applicant. Litton said he would include something that says that a property owner has to recuse himself at some point. Miklo said that it is clear that a property owner cannot vote. He said the question is whether the owner should participate in the discussion in any capacity.

Litton said he really liked having the opportunity to speak. Swaim said that he Litton was speaking as the applicant and recused himself at that point. Litton agreed. Miklo said that the way P&Z does it is that the owner gets someone else to represent them. He said that would be a possibility. Miklo said the other end of the spectrum would be for the owner/applicant to recuse himself and go out into the public and participate from there. Baker said that recusing oneself might result in not having a quorum. Miklo said in that case the application would need to be deferred.

Corcoran said that it does not say that an applicant has an obvious conflict of interest. She said the language leaves it to the member to make that determination. Corcoran said the HPC might want to say that if the member is an applicant for a decision by the Commission, that person has a conflict of interest, per se, and will be required to recuse himself. She said that would be the rule, and then there would be no question. Corcoran said the Commission could also include the P&Z language for other situations where there is more of a gray area.

Corcoran said the law is to avoidance even the appearance of impropriety. Miklo said that it is up to individual commissioners when there is a conflict or when they are the applicants to move into the audience. He said it is really not the applicant that is the issue but the rest of the

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Commission, in terms of whether the members are treating the applicant the way they would one across the street or down the block.

Ackerson said that since he has been on the Commission, people have been good about recusing themselves without exception. He said he wondered if really spelling this out might cause a problem where one doesn't exist.

Miklo said that currently there is nothing in the HPC by-laws about this. He asked about using the P&Z language and including having a member who is an applicant recuse himself, allowing him to participate as an applicant but not as a member. Michaud suggested including the applicant or someone who would receive direct financial gain from the project.

Miklo said that staff could work on the language before the next meeting and present some alternatives.

Swaim asked about section 11. Miklo said that because the size of the Commission may change over time, he would be hesitant to get into numbers. He suggested using the language "the majority of the quorum present." Corcoran said the phrase "but not less than three" could be removed for HPC purposes Swaim said the next sentence would not apply to the Historic Preservation Commission.

Swaim asked if the HPC would want to add the sentence about following Roberts Rules of Order. Miklo responded that he would be hesitant to include that, because Roberts Rules are so specific, and the Commission would want to have some flexibility. He said that if the Commission includes the wording and doesn't follow Roberts Rules of Order, that could open up a decision to challenge.

Bristow said the procedural process from the National Trust for preservation commissions was included in the packet for reference. She said that the Commission could review it before any revisions are made. Swaim commented that she read through it and can see why procedures are so critical. Miklo said staff could draft some options for the next meeting.

Miklo said, regarding the whole issue of the City Council resolution to not reappoint commission members, that it could be problematic for the Historic Preservation Commission, especially for small districts, unlike other boards and commissions, which have a city-wide pool of applicants. He said that Commission members might want to let City Council members about that.

Miklo said that City-wide, there is a low minority representation on boards and commissions, although there is a pretty good gender balance, per State law. He stated that the City Council is trying to make more opportunities for more people to apply to boards and commissions in order to get more diversity. Miklo said he did not know that the Historic Preservation Commission needs to offer specific changes but might want to ask that the City Council be open to looking at this.

Miklo said one possibility might be that if a position is advertised for a certain period of time and no one applies, that a previous member might be appointed. Corcoran said that since there are four at-large members on the Commission, that might be one place the City Council could enforce the rule, because of the larger pool.

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The Commission discussed the length of terms for various City board and commissions. Miklo stated that staff advocated longer terms for some boards and commissions because of the learning curve and the amount of time it takes for new members to get up to speed.

Regarding ex parte communication, Swaim said that seems like this could happen with small districts and neighborhoods. She said it is important to remember that people should refer the public to staff for information when requested.

REPORT ON 2015 HISTORIC PRESERVATION AWARDS:

Swaim said this is a chance for all to take pride in historic preservation and for the City to see what the Historic Preservation Commission does. She said she also thinks that the historic preservation awards program wins new support for preservation.

CONSIDERATION OF MINUTES FOR DECEMBER 10, 2015:

MOTION: Sandell moved to approve the minutes of the Historic Preservation Commission's December 10, 2015 meeting, as written. Corcoran seconded the motion. The motion carried on a vote of 8-0 (Agran and Clore absent).

ADJOURNMENT:

The meeting was adjourned at 6:19 p.m.

Minutes submitted by Anne Schulte

**HISTORIC PRESERVATION COMMISSION
ATTENDANCE RECORD
2015-2016**

NAME	TERM EXP.	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10	1/14
ACKERSON, KENT	3/29/16	X	X	X	X	X	X	X	X	X	X	X	X	X
AGRAN, THOMAS	3/29/17	X	X	O/E	X	X	X	X	X	O/E	X	X	X	O/E
BAKER, ESTHER	3/29/18	X	O/E	X	X	X	X	X	X	X	X	O/E	X	X
CLORE, GOSIA	3/29/17	X	X	X	X	O/E	O/E	O/E	X	O/E	X	X	X	O/E
CORCORAN, KATE	3/29/16	X	X	X	X	X	X	X	O/E	X	O/E	X	X	X
DURHAM, FRANK	3/29/16	X	O/E	X	O/E	O/E	X	X	X	O/E	X	X	X	---
LITTON, ANDREW	3/29/17	O/E	X	X	X	X	X	X	O/E	X	X	X	X	X
MICHAUD, PAM	3/29/18	X	X	X	X	X	O/E	X	X	X	X	O/E	X	X
SANDELL, BEN	3/29/17	X	X	X	X	X	O/E	X	X	X	X	X	O/E	X
SWAIM, GINALIE	3/29/18	X	X	X	X	X	X	X	X	X	X	O/E	X	X
WAGNER, FRANK	3/29/18	O/E	O/E	X	X	O/E	X	O/E	O/E	O/E	X	O/E	X	X

KEY:
 X = Present
 O = Absent
 O/E = Absent/Excused
 --- = Not a Member