



**NOTICE OF A REGULAR MEETING OF THE HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, OCTOBER 4, 2022 AT 6:30 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ

OR

Join Zoom Meeting

<https://zoom.us/j/9554994085>

Meeting ID: 955 499 4085

Town of Clarkdale Vision

The Town of Clarkdale connects our unique history, proximity to the Verde River, and small-town charm to a future with a vibrant economy.

We cultivate an environment where residents and businesses can thrive; providing services and jobs for our residents and capitalizing upon tourism.

We sustainably enhance our infrastructure, support the arts and education, and develop recreational opportunities to create a bright future for our entire community.

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN that the Historic Preservation Commission will hold a Regular Meeting open to the public on Tuesday, October 4, 2022, at 6:30 PM at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. A quorum of Town Council members may be present at this meeting; however, they will not deliberate or take action on any items. All members of the public are welcome to attend.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

The Historic Preservation Commission invites the public to provide comments at this time. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01 (G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Persons interested in making comments on a specific agenda item are asked to complete a brief form and submit it to the Commission Liaison during the meeting. Each Speaker is asked to limit their comments to five

minutes.

4. MINUTES

A. Approval of Minutes

Consider and act upon approval of draft minutes from the joint meeting with the Design Review Board held on June 1, 2022 and the regular meeting held on Sept. 6, 2022.

5. REPORTS

A. Historic Preservation Ordinance

Community Development Director Ruth Mayday will provide an update.

B. Annual Meeting with Town Council

Community Development Director Ruth Mayday will provide an update.

C. Action Minutes Policy

Community Development Director Ruth Mayday will update the board on the Action Minutes Policy that was approved by Council on Sept. 13, 2022.

D. Call to the Public

Community Development Director Ruth Mayday will discuss the Attorney General's opinion regarding responses by individual members of a public body during Call to the Public.

6. ACTION ITEMS - NOT REQUIRING A PUBLIC HEARING

A. Architect and Structural Engineer Reports for the Bandstand

Consideration and possible action to approve the amended Architect and Structural Engineer reports for the Bandstand, and forward the recommendation to Town Council for approval.

7. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Historic Photo Display in Clubhouse

Cindy Emmett will discuss displaying historic photos in the clubhouse to educate and promote interest in Clarkdale's historic preservation efforts.

8. FUTURE AGENDA ITEMS

Historic Preservation Commission may propose items to be placed on a future agenda. This item is for discussion only.

9. ADJOURNMENT

Values

Values are the guiding principles that provide an organization with purpose and direction. The Town of Clarkdale's organizational values are:

COPPER
Customer focused

Open, transparent and equitable
Preserving our history, charm, and environment
Planning for a sustainable future
Economic and social resiliency
Resourceful and innovative

Mission

The Town of Clarkdale serves the community by providing amenities, infrastructure, services, and public safety to enhance quality of life. We are stewards of our history while we sustainably and resiliently plan for the future with an emphasis on community engagement and transparency.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



Staff Report

Item Number: 4.A.

Agenda Item:

Approval of Minutes

Consider and act upon approval of draft minutes from the joint meeting with the Design Review Board held on June 1, 2022 and the regular meeting held on Sept. 6, 2022.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

October 4, 2022

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.

Background:

Revised draft minutes of the joint meeting held with the Design Review Board on June 1, 2022, to include missing comments from Commissioner Linder and minutes from the regular meeting held on Sept. 6, 2022.

Budget Impact:

No budget impact.

Recommendation:

Staff recommends approval of the revised draft minutes from the joint meeting with the Design Review Board held on June 1, 2022 and the minutes from the regular meeting held on Sept. 6, 2022.

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Minutes of a Joint Meeting of the Design Review Board and the Historic Preservation Commission of the Town of Clarkdale, AZ

Wednesday, June 1, 2022, at 6:30 p.m.

1. CALL TO ORDER:

Chair Snyder called the DRB meeting to order at 6:30 p.m.

Chair Gibson called the HPC meeting to order at 6:30 p.m.

2. ROLL CALL Design Review Board:

Board Member	Present/Absent
Chair Snyder	Present
Vice Chair Kelly	Present
Board Member Foutz	Present
Board Member Robbins	Present
Board Member Jernigan	Present

ROLL CALL Historic Preservation Board:

Commissioner	Present/Absent
Chair Gibson	Present
Vice Chair Baird	Absent
Commissioner Emmett	Present
Commissioner Lindner	Present
Commissioner Loesch	Present

Attending Staff

Community Development Director Ruth Mayday
Senior Planner Tom Blanchard
Community Development Technician Guss Espolt

3. PUBLIC COMMENT: None

4. MINUTES:

a. Design Review Board Meeting Minutes of March 2, 2022. Approved as written.

Motion by Foutz, Second by Robbins to approve as written.

Approved: 5-0

Board Member	Aye/Nay
Chair Snyder	Aye
Vice Chair Kelly	Aye
Board Member Foutz	Aye
Board Member Robbins	Aye
Board Member Jernigan	Aye

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b. Historic Preservation Commission Meeting Minutes of May 3, 2022, approved with the following revision: *Bill Otwell stated: "the best solution will be a wheelchair lift on the side opposite the stairway."*

Motion by Emmett, Second by Loesche to approve minutes with above revision.
Approved: 4-0

Commissioner	Aye/Nay
Chair Gibson	Aye
Vice Chair Baird	Absent
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesch	Aye

5. REPORTS:

a. Board Member Reports:

Member Foutz and **Commissioner Loesche** attended the Volunteer Appreciation Dinner, and both stated it was a wonderful time, with great food and gifts that included river and train trips. The volunteers had a great time and felt appreciated for their efforts.

b. Staff Reports: **Director Mayday** introduced a new Design Review Board Member, Brennan Jernigan, who has a background in public sector work. Staff has a new agenda software that is causing some issues, which should be resolved soon. The agenda and packets are available on the Town's website. If you are not receiving the meeting packet by email, check your SPAM or Junk Mail folder. Paper copies of meeting packets are also available at the Community Development Office upon request.

6. PUBLIC HEARINGS:

a. **Application No. DRB-093478 Clarkdale Newstand** 909, 909 ½, and 911 Main Street, Clarkdale, Az. The applicant is Reynold P. Radoccia, AIA, LEED-AP, BD+C, Architecture Works Green, Inc. on behalf of the owner, '909 Main, LLC.'

Director Mayday presented a PowerPoint showing color building elevations and renderings of the proposed project improvements for rehabilitation of three (3) historic structures including the Newstand, adjacent retail space, and the residential duplex building at the rear of the property. The facades and store fronts will be restored in a manner that protects its historic character according to the following guidelines:

Zoning and General Plan Compliance: Current zoning for the subject parcels is Central Business, which allows for various forms of commercial, retail, and residential uses as a permitted use (no use permit required).

The General Plan Designation of Central Business District also allows for historic mixed uses including retail and residential. Therefore, no change to the General Plan designation or zoning district is required.

This area is also subject to the Central Business District Focus Area Plan and the Arts and Entertainment Overlay District, of which the following guidelines apply:

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1. Establishment of a relationship to adjoining spaces: The use of materials, architectural styles, and colors also tie this project into the existing built environment. The original façade will remain largely intact. *New metal awnings similar to those found at Smelter Town Brewery will be added; the proposed sidewalk seating area will employ a decorative iron fence, missing and damaged glass block will be replaced, and the most recent (original) Newstand sign will be retained. While the proposed awnings are not original to the buildings, they provide much needed shade on the sidewalk and acknowledge the Town's industrial past.*
2. Continuity of street scape along Main Street through inclusion of benches and appropriate landscaping: *As this project is a rehabilitation of existing mid-block buildings, the addition of benches and additional landscaping is not required.*
3. Brick facades and/or partial brick inlays: *No significant changes are proposed to the existing, historic brick facades.*
4. Clerestory windows are not an appropriate addition to the historic subject properties. *This project proposes the preservation and restoration of the existing transom windows, which is appropriate for this project.*
5. A strong pedestrian connection to existing sidewalks or extension of the sidewalk system: *The historic entrances to these buildings will be maintained, which are predicated on the original design for the Town. The pedestrian connection to Main Street is a feature of this project; the additional access through the alleyway improvements compliments and encourages pedestrian use and access to the subject properties.*
6. Main entrance from a public sidewalk: *Both the 909 and 911 Main Street buildings are oriented with the primary entrance from Main Street.*
7. Rounded arches: *The parapet wall of the 911 Main Street building is one of the basis for this requirement in the Arts and Entertainment District, along with brick inlay arches found at 917 Main Street and the Smelter Town Brewery. This theme is echoed in the arched signage feature included in the rooftop lounge improvements.*
8. Large storefront windows: *The existing historic storefront windows will be maintained.*
9. Varied roof lines: *The existing historic rooflines will be maintained.*
10. Where feasible, place public parking behind buildings. *Additional improved parking is provided behind the buildings. The parking surface is a permeable material that allows for the ground to absorb water.*
11. Where feasible, the front yard setback shall be reduced to zero if the main building abuts a public sidewalk. *No changes are proposed to the existing zero front lot line of the buildings.*
12. Where feasible, landscaping shall include shade trees along the front boundary. *Street trees are provided in the public right-of-way; no further permanent landscaping is proposed for the front of the project. Additional landscaping is proposed for the alleyway, including plantings in front of the 909 ½, the parking islands, and near the new stairways.*

The Design Review will review this proposal per the following design review criteria found in **Clarkdale Zoning Code, Chapter 11-040**, as follows:

1. ARCHITECTURAL MERIT: *The architecture and design shall be visually compatible with the buildings and structures and places to which it is related. This project does not propose any substantive changes to the architecture of the existing historic structures. The restoration of missing glass block, new windows and doors that replicate the originals, and the addition of integral and wall*

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mounted lighting are fitting in the context in which they are proposed.

6. ENTRANCES, PORCHES AND PROJECTIONS: The height, projection, supports and relationship to streets and sidewalks, of entrances, porches, awnings, canopies and balconies of a buildings shall be visually compatible to the buildings, structures and places to which it is related. *The restoration of the historic entrances with period identical doors and new paint will enhance the aesthetic of the historic downtown. The proposed outdoor seating area with the "Clarkdale" ornamental iron fence further ties the project into the historic feel of the area. This project proposes the addition of metal awnings on the Main Street façade of the buildings.*

7. MATERIAL, TEXTURE AND COLOR: The materials, textures and colors of the façade of a building shall be visually compatible with the predominant materials, textures and colors used in the buildings and structures to which they are related. *This project proposes to retain the existing brick in its natural state. New concrete will be poured for stair treads in the alleyways, and a deck coating will be added to the rooftop bar and private rooftop patios for the apartments. The Clarkdale fence used for the outdoor seating on the Main Street side will be painted black to match period fencing, and the metal framing for the stairs, metal trims, and canopy over the Newstand will be a deep brown.*

8. ROOFS: The Roof shape and materials of a building shall be visually compatible with the building to which it is related. *Currently, the roof of the 909 and 911 is a flat roof with skylights, which is typical for downtown Clarkdale and not visible from the public right-of-way. The project proposed to develop a rooftop terrace and bar for the 911 Main Street building, and two (2) smaller rooftop decks for the apartments in the 909 Main Street building. The proposed features of the rooftop bar include preservation of the existing parapet wall, and addition of corrugated metal panels to provide privacy and safety for the patrons of the bar as well as the tenants of the apartments on the second floor of the 909 Main Street building. Both the rooftop bar and the stairwell will likely be visible over the parapet wall, but the use of corrugated metal and dark framing for the panels will complement the existing built environment.*

9. ARCHITECTURAL DETAILS: Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with building and structure to which they are related. *The addition of architectural details such as new doors and windows will be visually indistinguishable from the existing period features. New details, such as the rooftop signage and patio, are designed to complement the historic nature of downtown Clarkdale. Staff suggests, and the applicant has agreed to, retain the stamped tin Greek key trim around the windows on the Main Street facades.*

10. ACCESSORY FEATURES: Garages, carports, sheds, enclosures, walkways, stairways, and landings shall be visually compatible with building and structures to which they are related. *This project proposes new stairwells and landings on the alley side of the building. Made of metal, they will be painted black, which compliments the existing historic brick and is fitting for the period in which the buildings were constructed. The treads and landings will be concrete, the risers will be open for the traditional appearance of alley facing stairways.*

11. LANDSCAPING: Landscaping shall be visually compatible with the landscaping around the buildings, structures and places to which it is related. *Minimal landscaping is proposed for this project. The parking stalls in the alley will be separated by raised medians with minimal vegetation. The 909 ½ building will feature a small, landscaped area on the side facing the parking stall. This vegetation softens the visual impact of the area and compliments the other proposed improvements.*

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12. LIGHTING: Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties. *Lighting proposed for this project is designed to project downward and have a limited footprint. The fixtures are complimentary to the Town's streetlighting scheme and surrounding properties in the historic downtown. Fixtures will be black.*

B. SIGNAGE: The Design Review Board may review applications for design approval of signs and shall have the power to approve, conditionally approve, or disapprove all such requests based on the following criteria:

The sign shall be in appropriate scale, proportion, color and overall design relative to the exterior architectural character of the building, structure or site.

The iconic red and white Newstand sign will be retained and relocated from above the glass block on the façade of 911 Main Street to a location under the new metal canopy and above the double doors. A new arched, black metal sign with cutout letters spelling 'Newstand' will be displayed over the rooftop bar.

Clarification Questions:

Robbins: With a potential of four apartment residents, will three spaces provide adequate parking?

Mayday: Main Street parking is available.

Kelly: What is the checkerboard pattern above the door?

Mayday: Glass block, which will remain, and missing block replaced.

Jernigan: What is the construction timeline?

Mayday: About 1917

Reynold P. Radoccia, the project architect and applicant on behalf of the owner, 909 Main, LLC.

Provided more details on the project as follows:

Newstand - 911 Main Street

First Floor: Interior renovations include a serving bar, seating areas, gas fireplace, two ADA bathrooms, two restored skylights and fire suppression system. Exterior renovations include recessing the front entrance door, to compliment the other recessed doorways, restoring original look of the front entrance with new period-like dark bronze windows, doors and metal shade canopy and sidewalk seating area. Exterior rear renovations include renovated detached two-bedroom apartment, exterior black metal stairs to access rooftop bar and studio apartments, permeable paving parking for three vehicles, landscaped areas with plants from approved plant list and drip irrigation system and lighting.

Second Floor/Mezzanine: Renovations include a mezzanine area, with a restroom and storage room. The mezzanine also serves as a landing between the second floor and the proposed roof top bar.

Rooftop: Renovations include an uncovered rooftop terrace at the rear of the building, with serving bar, seating space for 50 people, portable gas fire table and lighting. The windows on the bar and stairwell will be covered with black and white photo images of historic Clarkdale. The rooftop will be accessed via a new interior staircase and an exterior black metal staircase that also leads to the ground floor and parking area. A black metal arched Newstand sign will be attached to the serving bar and stairwell roof enclosure and be visible only from the alley. Historic Clarkdale photos will be displayed on the windows of the bar enclosure and stairwell enclosure. The dark colors of the bronze window and enclosure trim will blend with the black metal stairs that mimic historic fire escape stairs.

Rear of 911 Main Street: Renovate the existing, detached 'duplex' in the rear of 909 Main Street into a single, two-bedroom, detached residential apartment. Exterior will be stuccoed and painted a dark green and it will include an enclosed private patio and landscaping.

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Adjacent Retail - 909 Main Street

First Floor Plan Renovations include two (2) identical 927.5 sq. ft. commercial spaces, known as 909A and 909B, each having an ADA bathroom, rough-in for future kitchens, restored exposed brick walls, two restored skylights, restored 16' ceiling, restored storefront, display boxes and a new outdoor shade canopy. The two commercial spaces have the flexibility to be combined as one commercial space, via an existing wall opening between the two spaces, for a total of 1,855 sq. ft. The front entrance will be refurbished with new period-like windows and doors with dark teal green metal door, window frames and metal shade canopy.

Second Floor Plan: Renovations include two (2) identical 505 sq. ft. studio apartments, with separate bathrooms and laundry and restored skylights. The apartments are accessed via exterior black metal stairs that also access the roof top terrace and rear yard parking area.

Roof Plan: Renovations include two (2) identical 224 sq. ft. roof terrace spaces, separated by an existing parapet wall and privacy fence, portable gas fire pits and shielded lights mounted on ornamental metal poles. Exterior black metal stairs will access the roof top terrace, studio apartment and rear parking area.

Signage: The original red and white Newstand sign will be refurbished and installed above the entry. An arched, black metal sign with cutout letters spelling 'Newstand' will be displayed over the rooftop bar area.

Parking: Three new parking spaces will be located on permeable pavers, to improve drainage and be outlined by raised landscape planters. The three parking spaces are designated for the three proposed apartment units, one parking space per apartment unit.

Landscaping: Eight proposed landscaped areas, located in the rear yard and parking area will soften the view of the alley, parking area, exterior metal staircases and utility boxes. Plant materials will be chosen from Clarkdale's approved plant list.

Clarification Questions:

Emmett: Will there be retail spaces?

Radoccia: Yes, the 909 building will have retail on the main floor and two studio apartments on the second floor, accessed by exterior stairs.

Loesch: Will the roof top photos on the windows be UV protected?

Radoccia: The rooftop will have urethane decking and the photos will be UV protected.

Emmett: Will the skylights on the roof remain the same or refurbished?

Radoccia: Yes, the paint on the skylights will be removed and cleaned up.

Kelly: The tree appears to be too close to the building, what is the distance between the tree from the building?

Radoccia: 4-5 feet, which should be adequate for pedestrian traffic.

Phillip Tavasci: As owner of this property, and having lived here for 18 years, this is a project of passion for restoring the Newstand into something special.

Open Public Hearing – Design Review Board

Motion by Kelly, Second by Foutz.

Approved: 4-0

Board Member	Aye/Nay
Chair Snyder	Aye
Vice Chair Kelly	Aye
Board Member Foutz	Aye
Board Member Robbins	Aye
Board Member Jernigan	Aye

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Richard Dehner: Happy for project and new business in community. Concern is view, noise and light from rear of rooftop bar. Perhaps a solid wall on the rear of the rooftop bar would reduce the noise and light.

Toby Paine: Fire sprinkler in bar area only? Why not in the apartments and retail?

Radoccia: Sprinklers will be required in all buildings.

David Parel: Will the pool tables remain?

Radoccia: Yes, one or two tables will remain.

Todd Green: Great project, supportive of historic preservation. Concern for water usage; need a water comprehensive plan.

Craig Backus: Sprinklers not required, per Fire Department. Likes more retail.

Close Public Hearing-DRB

Motion by Kelly, Second by Jernigan.

Approved: 4-0

Board Member	Aye/Nay
Chair Snyder	Aye
Vice Chair Kelly	Aye
Board Member Foutz	Aye
Board Member Robbins	Aye
Board Member Jernigan	Aye

7. ACTION ITEMS -Historic Preservation Commission

a. Consideration and possible action by the Historic Preservation Commission to approve application no. DRB-093478 for Clarkdale Newstand 909, 909 ½ and 911 Main Street for improvements to the former Newstand Bar and apartments.

HPC Discussion:

Lindner: This is a “cool” project however our role as members of the HPC is to evaluate historic preservation not “cool”. The HPC has discussed and focused on doors, windows, and materials. The Newstand building dates to 1915 and is the most historically intact building on Main Street. It is the only building that retains its original front doors. The drawings presented appear to replace these doors with industrial style metal doors. The drawings also show the addition of lantern lighting fixtures on either side of the doors that do not contribute to historic preservation. The rear windows appear to be sliders instead of vertical double hung. Also, the drawings indicate that the framing and facing of the lower display window will be of metal instead of the original and current wood. Any replacement or material substitution should be indistinguishable from the originals.

Radoccia: The turquoise painted plywood panels will be removed, new glass installed, the tin Greek trim will be restored. The entry doors are not original and will be replaced with a replica-look door. Will restore and replicate as needed.

Lindner: Double hung or slider windows? The two lights at the entrance to 911 are not historically correct. Maybe consider lighting in the recessed doorway ceiling.

Radoccia: Windows will be double hung, and they will consult with the owners concerning the lighting.

MOTION TO RECOMMEND APPROVAL OF THE NEWSTAND DRB APPLICATION NUMBER 093478

Motion by Emmett, Second Loesche

Approved: 4-0 with HPC following stipulations:

1. Remove two lights from entrance.
2. Retain original doors or replicate.
3. New window trim to match original.

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Commissioner	Aye/Nay
Chair Gibson	Aye
Vice Chair Baird	Absent
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesch	Aye

7. ACTION ITEMS – Design Review Board

- b. Consideration and possible action by the Design Review Board to approve application no. DRB-093478 for Clarkdale Newstand 909, 909 ½ and 911 Main Street for improvements to the former Newstand Bar and apartments.

Motion by Kelly, Second Robbins

Approved: 5-0 with HPC following stipulations:

1. Remove two lights from entrance.
2. Retain original doors or replicate.
3. New window trim to match original.

Board Member	Aye/Nay
Chair Snyder	Aye
Vice Chair Kelly	Aye
Board Member Foutz	Aye
Board Member Robbins	Aye
Board Member Jernigan	Aye

8. FUTURE AGENDA ITEMS – DRB : None

9. DRB-ADJOURNMENT: 8:13 p.m.

Motion: Robbins, Second: Kelly

Approved: 5-0 to adjourn

Board Member	Aye/Nay
Chair Snyder	Aye
Vice Chair Kelly	Aye
Board Member Foutz	Aye
Board Member Robbins	Aye
Board Member Jernigan	Aye

8. FUTURE AGENDA ITEMS – HPC

Commissioner Lindner asked that the following items be placed on the agenda: The removal of non-historic exterior light fixtures from the Clark Memorial Clubhouse and Town Utilities & Community Development Buildings, restoration of the Ladies' Lounge entry door with historically accurate materials / size.

9. HPC-ADJOURNMENT: 8:14 p.m.

Motion: Emmett, Second: Lindner

Approved: 4-0 to adjourn

DRAFT

Commissioner	Aye/Nay
Chair Gibson	Aye
Vice Chair Baird	Absent
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesch	Aye

Chairperson Kerrie Snyder
Design Review Board

Community Development Director Ruth Mayday

Chairperson Terry Gibson
Historic Preservation Commission



**MINUTES OF A REGULAR MEETING OF THE HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, SEPTEMBER 6, 2022, AT 6:30 PM**

1. CALL TO ORDER – *Meeting called to order at 6:31 pm*

2. ROLL CALL

Commissioner	Present/Absent
Chair Gibson	Present
Vice Chair Baird	Absent
Commissioner Emmett	Present
Commissioner Lindner	Present
Commissioner Loesch	Present

3. PUBLIC COMMENT – *No public comment*

The Historic Preservation Commission invites the public to provide comments at this time. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01 (G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Persons interested in making comments on a specific agenda item are asked to complete a brief form and submit it to the Commission Liaison during the meeting. Each Speaker is asked to limit their comments to five minutes.

4. MINUTES

A. Approval of Minutes

Consider and act upon the draft minutes from the meeting held on Aug. 2, 2022 and the revised draft minutes from the meetings held on Oct. 7, 2021 and June 1, 2022.

Motion by Lindner, second by Loesch to: table minutes from June 1, 2022, due to missing comments from Commissioner Lindner and approve minutes from Aug. 2, 2022.

Approved: 5-0 Aye

Commissioner	Aye/Nay
Chair Gibson	Aye
Vice Chair Baird	Aye
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesch	Aye

5. ACTION ITEMS - NOT REQUIRING A PUBLIC HEARING

A. COPPER ART MUSEUM / CLARKDALE HIGH SCHOOL HISTORICAL MARKER LANGUAGE

Discuss, consider and act upon the final verbiage and graphics of the Clarkdale High School Arizona state-shaped historical marker.

The Copper Art Museum/Drake Mienke submitted a grant application for historical signage including repair and upgrade of existing sun-damaged kiosk signage and new plaques for Main Street historical buildings.

Motion by Lindner, second by Baird to: approve the final verbiage of Copper Art Museum/Clarkdale High School historical marker with the stipulation that staff will work with Meinke to finalize the verbiage.

Approved: 5-0 Aye

Commissioner	Aye/Nay
Chair Gibson	Aye
Vice Chair Baird	Aye
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesch	Aye

B. HISTORIC SIGNAGE DESIGN - CLARKDALE HISTORIC DISTRICT

Discuss, consider and act upon the final draft layout for the sign topper for the Clarkdale High School Arizona state-shaped sign.

Motion by Emmett, second by Baird to: approve the final draft layout for the sign topper for the Clarkdale High School Arizona state-shaped sign with the stipulation that staff will work with Meinke to finalize the layout.

Approved: 5-0 Aye

Commissioner	Aye/Nay
Chair Gibson	Aye
Vice Chair Baird	Aye
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesch	Aye

6. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. HISTORIC PHOTOS IN THE CLUBHOUSE

Cindy Emmett will discuss displaying historical photos in the Clubhouse to educate and promote interest in Clarkdale's preservation efforts.

Historical Society will bring samples of photos to next meeting along with narrative. Framing may be obtained through grant money.

This item was not discussed, and the Commission agreed to move this discussion item to a "Future Agenda" item.

B. HISTORIC PRESERVATION ORDINANCE

Community Development Director Ruth Mayday will continue discussion on the Historic Preservation Ordinance and Design Guidelines.

7. FUTURE AGENDA ITEMS

The Historic Preservation Commission proposed the following items to be placed on a future agenda:

- a. June 1, 2022, minutes*
- b. Historical photos*
- c. Historic preservation ordinance / Bandstand update*

8. ADJOURNMENT - *Meeting adjourned at 7:14 pm*

Chairperson Kerrie Snyder
Design Review Board

Community Development Director Ruth Mayday

	TOWN OF CLARKDALE HUMAN RESOURCES POLICY MANUAL	
POLICY NO. XX.XX	SECTION XX	Title of Policy: Action Minutes
	ORIGINATION DATE: 8/29/2022	REVISION DATE(S):

Action Minutes

- I. Purpose:
To establish policy and procedures for the administration of action minutes per A.R.S. §38-431.01.
- II. Policy:
 - A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.
 - B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include:
 1. The date, time and place of the meeting.
 2. The members of the public body recorded as either present or absent.
 3. A general description of the matters considered.
 4. An accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted. The minutes shall also include the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material.
 - C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03, subsection A, paragraphs 4, 5 and 7 and other matters as may be deemed appropriate by the public body.
 - D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting except as otherwise specifically provided by this article.
 - E. A public body of a city or town with a population of more than two thousand five hundred persons shall:
 1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its website, if applicable, either:
 - (a) A statement describing the legal actions taken by the public body of the city or town during the meeting.
 - (b) Any recording of the meeting.
 2. Within two working days following approval of the minutes, post approved minutes of city or town council meetings on its website, if applicable, except as otherwise specifically provided by this article.

3. Within ten working days after a subcommittee or advisory committee meeting, post on its website, if applicable, either:
- a) A statement describing legal action, if any.
 - b) A recording of the meeting.

F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.

G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall conspicuously post open meeting law materials prepared and approved by the attorney general on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office.

H. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

I. A member of a public body shall not knowingly direct any staff member to communicate in violation of this article.

J. Any posting required by subsection E of this section must remain on the applicable website for at least one year after the date of the posting.

II. Action Minutes Agreement:

Action minutes are also called decision-only minutes. They include only the decisions made and none of the discussions that went into making them. They capture only the conclusion of discussions and the actions that need to be taken.

Per A.R.S. §38-431.01, the town clerk or board liaison for municipal public bodies, shall post on its website, a recording of the meeting within three working days after the meeting except as otherwise specifically provided by this article.

Within two working days following approval of the action minutes, the town clerk or board liaison shall post approved action minutes of city or town council meetings on its website, if applicable, except as otherwise specifically provided by this article.



STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION By MARK BRNOVICH ATTORNEY GENERAL August 1, 2022	No. I22-003 (R20-002) Re: A.R.S. § 38-431.01(H) and Responses by Individual Members of a Public Body
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To: John Kavanagh, Representative
Arizona House of Representatives

Question Presented

Do rules or practices of a public body that do not allow individual members of the public body to respond to criticism made during a call to the public, ask staff to review a matter raised during a call to the public, or put a matter raised during a call to the public on a future agenda violate A.R.S. § 38-431.01(H)?

Summary Answer

Yes, if a public body were to enact a rule or practice prohibiting individual members of the public body from (1) responding to criticism made by those who have addressed the public body during a call to the public, (2) asking staff to review a matter raised during a call to the public, or (3) putting a matter raised during a call to the public on a future agenda, such rule or practice would violate A.R.S. § 38-431.01(H). Thus, a public body that has enacted such a rule or practice should rescind or modify it to make it consistent with Arizona law.

Background

Arizona enacted its Open Meeting Law (“OML”) in 1962 to ensure that Arizona public bodies conduct their business in open, public meetings and to eliminate secret decision-making. *See* 1962 Ariz. Sess. Laws ch. 138, § 1 (2d Reg. Sess.) (“It is the public policy of this state that proceedings in meetings of governing bodies of the state and political subdivisions thereof exist to aid in the conduct of the people’s business. It is the intent of this act that their official deliberations and proceedings be conducted openly.”). The Legislature has since amended the OML several times. *See, e.g.,* Ariz. Att’y Gen. Op. 75-007 (detailed discussion of the early history of the OML through 1975); 2000 Ariz. Sess. Laws, ch. 358, § 1 (2d Reg. Sess.) (comprehensive amendments).

Relevant here is A.R.S. § 38-431.01(H), the text of which was added by the 2000 amendments and which provides the following:

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

This subsection is comprised of three operative parts. First, “[a] public body may” decide whether or not to hold a call to the public at a duly noticed public meeting (the “Call to the Public Provision”). A.R.S. § 38-431.01(H). Second, after a call to the public has concluded, “individual members of the public body may” respond to a member of the public in one of three ways (the “Response Provision”). *Id.* Finally, when a member of the public brings up a matter that is not listed on the agenda, “members of the public body shall not” discuss or take legal action on that matter unless the matter is listed on the agenda (the “Agenda Provision”). *Id.* At

issue here is the Response Provision and whether a public body is permitted to prohibit individual members of the public body from responding after a call to the public in one of the three ways specified in the statute.

Analysis

Statutory interpretation seeks “to effectuate the legislature’s intent,” *SolarCity Corp. v. Ariz. Dept. of Revenue*, 243 Ariz. 477, 480 ¶ 8 (2018), and the plain language of a statute is always the starting point, *see id.* (“The best indicator of [legislative] intent is the statute’s plain language.”); *Woyton v. Ward*, 247 Ariz. 529, 532 ¶ 8 (App. 2019) (“When interpreting a statute, we begin with its plain language.”). In construing a specific provision, the words of a statute should be read in context with the statute as a whole to determine their meaning. *See Glazer v. State*, 244 Ariz. 612, 614 ¶ 10 (2018). Any interpretation should also avoid rendering “any clause, sentence or word ‘superfluous, void, contradictory or insignificant.’” *State v. Cid*, 181 Ariz. 496, 499–500 (App. 1995) (citations omitted). Further, the OML instructs that “any person or entity charged with the interpretations of [Arizona’s OML, A.R.S. § 38-431, et seq.,] shall construe [the OML] in favor of open and public meetings.” A.R.S. § 38-431.09(A).

Both the Call to the Public Provision and the Response Provision use the term “may,” while the Agenda Provision uses the term “shall not.” *See* A.R.S. § 38-431.01(H). Arizona courts have generally interpreted the word “may” as permissive and “shall” as mandatory. *See Walter v. Wilkinson*, 198 Ariz. 431, 432 ¶ 7 (App. 2000) (The “use of the word ‘may’ generally indicates permissive intent . . . while ‘shall’ generally indicates a mandatory provision.”); *but see HCZ Const., Inc. v. First Franklin Financial Corp.*, 199 Ariz. 361, 364 ¶ 11 (App. 2001) (explaining that while the “ordinary meaning of ‘shall’ in a statute is to impose a mandatory provision . . . it may be deemed directory when the legislative purpose can best be carried out by

such construction.”). When both “may” and “shall” are used “in the same paragraph of a statute, [courts] infer that the Legislature acknowledged the difference and intended each word to carry its ordinary meaning.” *HCZ Const., Inc.*, 199 Ariz. at 365 ¶ 15; *see also City of Chandler v. Ariz. Dep’t of Transp.*, 216 Ariz. 435, 438–39 ¶ 10 (App. 2007) (presuming “that the Legislature was aware of the difference between [‘may’ and ‘shall’] and meant each to carry its ordinary meaning”).

In the context of A.R.S. § 38-431.01(H), nothing indicates that the Legislature intended to give the terms “may” and “shall” anything other than their ordinary meanings. For example, interpreting “shall not” in the Agenda Provision as mandatory rather than discretionary is consistent with other provisions of the OML. *Compare* § A.R.S. 38-431.01(H) (“[M]embers of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.”) *with* A.R.S. § 38-431.02(G), (H) (specific matters must be listed on agendas before a public body can discuss or take legal action). And interpreting the Call to the Public Provision to be discretionary rather than mandatory is not only consistent with the ordinary use of “may” in statutory interpretation, but it is also consistent with long-term guidance from the Attorney General’s Office issued before the Call to the Public Provision was codified. *See* Ariz. Att’y Gen. Op. I99-006 (“[F]or more than 17 years, the Attorney General’s Office has recognized that a ‘call to the public’ may be used if the members of the public body properly limit their responses to any item raised.”). Thus, where the Response Provision states that “individual members of the public body *may*” react in one of three ways, the statute is best read as giving individual members of the public body discretion to respond.¹

¹ This interpretation is also supported by the Legislature’s use of the term “may” in other provisions of the OML. *See Qasimyar v. Maricopa County*, 250 Ariz. 580, 587 ¶ 19 (App. 2021) (“[A] word or phrase used in related

But that conclusion does not fully answer the inquiry here. If the public body has discretion whether or not to hold a call to the public in the first place, does the public body similarly have discretion to prohibit members from responding? The answer is also found in the statutory language itself.

The Call to the Public Provision grants discretion to hold a call to the public to a “public body,” while the Response Provision grants discretion to respond to “individual members of the public body.” A.R.S. § 38-431.01(H). We presume that the Legislature fully recognized the difference between a “public body” and its “individual members” and purposefully differentiated between the two when enacting this statute. *See State v. McDermott*, 208 Ariz. 332, 334–35 (App. 2004) (“[W]e . . . presume that the legislature does not include statutory ‘provisions which are redundant, void, inert, trivial, superfluous, or contradictory.’”).

Therefore, the statutory language in the Response Provision permits *individual members* to make the decision whether they will react to public comments in one of the three specified manners. A public body cannot override the Legislature’s purposeful decision to grant each individual member of a public body with discretion to decide whether and how to respond—within the statutory constraints—to a public comment made during a call to the public. Allowing a public body to do so would effectively nullify the statutory language granting discretion to *individual members* and instead allow a *public body* to make the decision whether to respond to public comment, including by prospectively prohibiting a response in any circumstance. Thus, a public body that has enacted a rule or practice prohibiting individual members from responding

statutes should be construed to bear the same meaning throughout.”). For example, A.R.S. § 38-431.03(A) states that a public body “may hold an executive session” under nine enumerated circumstances. Reading “may” as mandatory in that provision would create the absurd result of requiring public bodies to hold an executive session any time any matter falls within one of the nine enumerated circumstances, rather than allowing public bodies discretion to utilize an executive session. This would result in public bodies discussing matters outside of public view far more often, which would contravene the purpose of the OML.

in a manner described in A.R.S. § 38-431.01(H) must rescind or modify the rule or practice to make it consistent with Arizona law.

Notwithstanding this conclusion, an individual member's ability to respond to public comment is not unlimited. The Legislature provided individual members the discretion to do so only at the conclusion of a call to the public and not after each individual speaker. A.R.S. § 38-431.01(H). Moreover, the ability to respond is limited only to (1) responding to criticism, (2) asking staff to review a matter, and (3) asking for a matter to be added to a future agenda. *Id.* And the Response Provision does not allow the public body to engage in a discussion or take legal action unless the matter is specifically listed on the agenda.² *Id.* Ultimately, however, individual members of a public body must have the opportunity to determine for themselves whether or not they provide a limited response to comments made by members of the public at the conclusion of the call to the public.

Conclusion

Because the Legislature expressly provided that individual members of a public body have the discretion to provide a limited response at the conclusion of a call to the public, a rule or practice prohibiting individual members of the public body from providing a limited response would violate A.R.S. § 38-431.01(H). Thus, a public body that has enacted such a rule or practice would need to rescind or modify it to render it consistent with Arizona law.

Mark Brnovich
Attorney General

² It is also likely that a public body could require individual members to follow content- and viewpoint-neutral rules of decorum when responding to public comments.



Staff Report

Item Number: 6.A.

Agenda Item: **Architect and Structural Engineer Reports for the Bandstand**

Consideration and possible action to approve the amended Architect and Structural Engineer reports for the Bandstand, and forward the recommendation to Town Council for approval.

Staff Contact: Ruth Mayday, Community Development Director

Meeting Date: October 4, 2022

Strategic Goal: This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.
- Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 3 - Enhance the quality and availability of parks, recreation and cultural opportunities.

Background: During the Oct. 7, 2021 meeting, the Historic Preservation Commission (HPC) voted to conduct a structural and architectural review of the Bandstand (Gazebo) in Town Park. The staff engaged Bill Otwell with Otwell Architects to coordinate the reviews. The engineering review was completed on March 11, 2022. The HPC discussed the report at the April 5, 2022 meeting and voted to accept the report.

Upon further review by Public Works, staff suggested the following changes:

- 1) The six by six posts need to be replaced as they showed evidence of termite infestation and moisture wicking in the cores during the last rehabilitation.
- 2) The stairs need to be replaced as they show evidence of moisture wicking and wear; several treads are cracked.
- 3) Replace all clapboard/siding.
- 4) Replace railings – drilling of additional holes to accommodate additional cabling to comply with code requirements may affect the structural integrity of the existing railing.

After reviewing the recommendations, Otwell Architects will amend their report. (attached)

With the exception of the six by six posts, items two through four were replaced during the 2004 rehabilitation of the structure. Rather than performing piecemeal repairs, staff would prefer that they be replaced in their entirety.

The Commission is being asked to review and accept the amended reports, and forward them to Town Council with a recommendation for the same. Once approved by Council, they will be forwarded to SHPO for review and approval.

Termite damage



Replacement of stairs, railings, and clapboard



Budget Impact:

Minimal – an additional fee will be charged by Frost Engineering to amend the report; repairs are a CIP project that is fully funded. Additional work will not exceed the budgeted amount for this project (\$150,000).

Recommendation:

Staff recommends approving the amended Architectural and Structural Engineering reports and forwarding them to Town Council for their review, acceptance and approval.



March 24, 2022

Ruth Mayday
Director, Community Development
Town of Clarkdale
Via email: Ruth.Mayday@clarkdale.az.gov

Dear Ruth,
Attached is the structural engineering report prepared for the Clarkdale Gazebo. Based on our assessment, the Gazebo is suitable for repair/restoration. The report outlines the repairs needed to meet the International Building Code (IBC) and International Existing Building Code (IEBC) requirements.

The two major areas of work required are: 1) isolation of all post bases from direct earth contact by providing new concrete pier plinth blocks (see sketch A), 2) installation of new lag screws at the knee braces at top of column/beam connection (see sketch B).

Non-structural repairs include the following: 1) replacement as needed of the lap siding of the base wall panels, or complete replacement at the discretion of Town staff. This should be performed using wood lap siding to match existing, 2) the horizontal cabling installed in 2002 at the railings was an attempt to bring the railings in compliance with current codes while not destroying the historic character of the x-brace railing design. The spacing of the cables installed is too wide. Install additional cables to prevent a 4" sphere from passing through.

Finally, the issue of ADA compliant wheelchair access should be discussed. I believe the best solution will be a wheelchair lift on the side opposite the stairway. This will provide symmetry but will also alter the historic character of the Gazebo, which has always been visible from all sides. ADA has a provision that can exempt a facility from meeting the letter of the law if it will compromise the historic integrity of the structure. Arizona State Historic Preservation Office (AZ SHPO) will not rule on this, but the ADA Compliance Board may do so.

A handwritten signature in blue ink, appearing to read "W. Otwell".

William Otwell, FAIA
Otwell Associates Architects

FROST Structural Engineering

1678 Oaklawn Drive, Suite C
Prescott, Arizona 86305

Phone: 928.776.4757
Fax: 928.776.4931
frost-structural.com
Since 1995

September 26, 2022

Attention: Ruth Mayday, Community Development Director
Subject: **Clarkdale Gazebo**
1001 Main Street (FSE Job #2022-199)
Clarkdale, AZ
APN# 400-03-191A

Ruth,

This is an addendum to the report FROST Structural Engineering (FSE) did for Otwell Associates Architects dated March 11, 2022. That report outlined our opinions and recommendations regarding the condition and repairs for the Gazebo. At your request this addendum will address further options concerning the repairs.

- In our original report under the "Opinions / Recommendations" section bullet points 3 and 4 made recommendations on how to repair the 6x6 wood posts. Another option, not mentioned in the original report, is to replace the existing posts with new 6x6 DF#2 wood posts. The details in the original report would still apply, the only change being that new posts would replace the existing ones, all other foundation and framing connections would remain the same.
- Also, under the "Opinions / Recommendations" section bullet point 6 and sub-bullet 4, FSE recommended raising the stair posts or reworking the grade so that the posts were not in contact with any soil. Another option would be to replace the entire stair system, this time ensuring that there is enough separation between the wood posts and other structural wood members and the finished grade. Typically, 6" of separation between soil and wood framing is required; and 1" of separation between a concrete slab/sidewalk and wood framing is required. FSE recommends adding concrete piers, similar to those shown in detail A at locations where the posts are currently in contact with soil; and using SIMPSON ABU type post bases where posts are surrounded by concrete.
- For all repairs we recommend a licensed and/or qualified contractor.

To our knowledge these were all the items that FSE was asked to address. Note that, except for the items outlined above, the recommendations in our original report are still valid and applicable. Should you have any questions regarding the items discussed in this letter, please call or email.

Sincerely,

FROST Structural Engineering

Andy Kleinman, PE
Project Manager/Engineer



FSE