



**NOTICE OF A REGULAR MEETING OF THE HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, JULY 18, 2023 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, July 18, 2023, 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 Historic Preservation Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01, 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 Clerk or liaison during the meeting. Each speaker is asked to limit their comments to five minutes.

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the meetings held on March 7, April 18 and June 6, 2023.

5. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Town Code 17-8-2: Historic Preservation Commission

Review and discussion of Town Code Chapter 17, Boards and Commissions, Article 17-8 Historic Preservation Commission.

B. Broadway Phase II Improvements

Discussion only regarding the Broadway Phase II Improvements.

C. Condemned Structures

Discussion only regarding condemned structures in the Town of Clarkdale.

D. Bitter Creek Bridge

Discussion only regarding the Bitter Creek Bridge.

E. Historic Preservation Ordinance

Discussion only regarding the Historic Preservation Ordinance.

F. Bandstand

Discussion only regarding the Bandstand.

6. FUTURE AGENDA ITEMS

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

7. 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.



**SUMMARIZED MINUTES OF A REGULAR MEETING OF THE
HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, MARCH 7, 2023, AT 6:30 PM**

(To watch the full video of the meeting, please visit www.clarkdale.az.gov – agendas & minutes)

Members Present: *Chair Terry Gibson, Cindy Emmett, Michael Lindner, Ed Loesche, and Matthew Guebard*

Members Absent: None.

Other Municipal Officials Present: *Community Development Director Ruth Mayday, Senior Planner Tom Blanchard, Planning Technician Guss Espolt*

Zoom: None.

Audience: *12 members of the public present.*

1. CALL TO ORDER - *Chair Gibson called the meeting to order at 6:30 p.m.*

2. ROLL CALL - *All members present.*

3. PUBLIC COMMENT

Ellen Taylor: Financial implications. A historic preservation ordinance adds another layer of bureaucracy for developers. Will there be an option for property owners to 'opt out' of the ordinance? Is single family residential exempt? The details of the proposed ordinance presented today are severe and restrictive and will add another layer of bureaucracy.

Bill Regner: Not clear on the language on the autonomy of the 'certificate of no effect'. Not clear on parameters of 'certificate of economic hardship', can you demolish a building? The term 'authority granted' should be reserved for the Town Council who represents the Town's interests. Any Board or commission reviewing projects should ask this question: 'Does this project support the story of Clarkdale, or does it detract from it?'

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the regular meetings held on Jan. 3, 2023, and Feb. 7, 2023.

Motion by Lindner, second by Guebard to: *Approve the January 3, 2023, and February 7, 2023 minutes, with these revisions: The Historical Society provided photos that identified the historic doors and windows and purple glass.*

Approved: 5-0 Aye

Commissioner	Aye/Nay
Chair Gibson	Aye
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesche	Aye
Commissioner Guebard	Aye

5. NEW BUSINESS

A. Selection of Chair for the Historic Preservation Commission

Discuss, consider and act upon the selection of a Chairperson for the Historic Preservation Commission to serve a term of one year.

Motion by Lindner: *I would like to nominate Terry Gibson for Chair.*

Approved: 5-0 Aye

Commissioner	Aye/Nay
Chair Gibson	Aye
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesche	Aye
Commissioner Guebard	Aye

B. Selection of Vice Chair for the Historic Preservation Commission

Discuss, consider and act upon the selection of a Vice Chairperson for the Historic Preservation Commission to serve a term of one year.

Motion by Loeshe: *I would like to nominate Commissioner Guebard for Vice Chair.*

Approved: 5-0 Aye

Commissioner	Aye/Nay
Chair Gibson	Aye
Commissioner Emmett	Aye
Commissioner Lindner	Aye
Commissioner Loesche	Aye
Commissioner Guebard	Aye

6. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Historic Preservation Ordinance Update

Jon Froke, of Froke Urban Planning LLC, presented the draft Historic Preservation Ordinance and zoning code amendments needed to incorporate the Ordinance.

The historic preservation ordinance (HPO) consultant Jon Froke presented his zoning code amendments, that will support the HPO. The HPO will be an overlay district, for approximately 30 commercial structures. The Commission will review the zoning code changes and email their comments to the HPC liaison, who will forward the comments to the HPO consultant Jon Froke. HPC will form a workshop to discuss details of the proposed zoning changes.

B. Bandstand Update

Community Development Director Ruth Mayday provided an update on the bandstand renovation. Waiting for bids from two pre-qualified contractors, for two options:

- 1. Refurbish with like material (no synthetic materials).*
 - 2. Rebuild the entire structure with new materials (no synthetic materials).*
- Weather delays have delayed the meeting with the contractors.*

7. FUTURE AGENDA ITEMS

- 1. Historic Preservation Ordinance update by HPO consultant Jon Froke.*
- 2. Bandstand update by CDD Ruth Mayday.*
- 3. Introduction of Commissioner Dan Biggins, who is replacing resigned commission Ed Losche.*

8. ADJOURNMENT - Chair Gibson adjourned the meeting without objection at 8:32 p.m.

Chairperson Terry Gibson
Historic Preservation Commission

Community Development Director Ruth Mayday



**SUMMARIZED MINUTES OF A SPECIAL MEETING OF THE
HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE**

TUESDAY, APRIL 18, 2023, AT 4:30 PM

(To watch the full video of the meeting, please visit www.clarkdale.az.gov – agendas & minutes)

Members Present: Chair Terry Gibson, Michael Lindner, Dan Biggins, Cindy Emmett, and Matthew Guebard

Other Municipal Officials Present: *Community Development Director Ruth Mayday, Senior Planner Tom Blanchard, Planning Technician Guss Espolt, Town Manager Susan Guthrie, Mayor Prud'homme-Bauer, Vice Mayor Hunseder, Council Members Babbitt-Pierce and O'Neill.*
Note: Quorum notice posted to include Town Council.

Zoom: None.

Audience: *Approximately two members of the public were present.*

- 1. CALL TO ORDER** - *Chair Gibson called the meeting to order at 6:30 p.m.*
- 2. ROLL CALL** - *Guebard present, Biggins present, Lindner present, Gibson present, Emmett present.*
- 3. PUBLIC COMMENT** – *No public comment.*

4. DISCUSSION ITEMS ONLY – NO ACTION TAKEN

A Draft Historic Preservation Ordinance

▪

Discussion only with the Town Council, the Planning Commission and the Design Review Board regarding the Historic Preservation Ordinance.
Community Development Director Mayday presented a power point on how a historic preservation ordinance (HPO) would provide beneficial tools such as 'design guidelines', that will help preserve the historic district by guiding rehabilitation and projects that will reflect Clarkdale's character-defining historic features.

SUMMARY OF COMMENTS:

HPO HARDSHIP: Does malfunctioning plumbing constitute a hardship?
Yes, if by natural occurrence (burst water pipe) would be a hardship.

Neglect (self-caused) is not a hardship.

HPO TIMELINE: Will HPO delay building permit approval?

Yes, if the developer submits incomplete information.

Most reviews will be staff level and when necessary joint meetings save time.

HPO GRANTS: Adopting an HPO enables the Town to become a Certified Local Government (CLG) and apply for Federal grants.

Fear: Burden on staff and too expensive to hire grant administrator.

Opinion: Current staff have experience with applying for and administering grants and the effort is well worth obtaining the funding for historic preservation.

HPO BUREAUCRACY:

Fear: HPO will create another layer of bureaucracy and discourage developers.

Fact: 1. Historic districts protect the investments of business owners and residents.

2. Historic properties appreciate at rates greater than the local market overall.

3. Historic districts can positively impact the local economy by supporting tourism.

4. Local districts encourage better quality design and greater public appeal.

Members seemed to support the HPO in all areas except Demolition and Certificate of Hardship, which were equally divided between Yes and No. Staff will revise the HPO to reflect the concerns of the members and present a final HPO draft at the next HPC meeting.

5. FUTURE AGENDA ITEMS

No future agenda items.

6. ADJOURNMENT - *Chair Gibson adjourned the meeting without objection at 8:07 p.m.*

Chairperson Terry Gibson
Historic Preservation Commission

Community Development Director Ruth Mayday



**SUMMARIZED MINUTES OF A REGULAR MEETING OF THE
HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE**

TUESDAY, JUNE 6, 2023 AT 6:30 PM

(To watch the full video of the meeting, please visit www.clarkdale.az.gov – agendas & minutes)

Members Present: *Chair Terry Gibson, Cindy Emmett, Michael Lindner, Ed Loesche, and Matthew Guebard*

Members Absent: None

Other Municipal Officials Present: *Community Development Director Ruth Mayday, Senior Planner Tom Blanchard, Town Clerk Charity Brooks, Town Manager Susan Guthrie*

Audience: *Twelve members of the public present.*

1. CALL TO ORDER - *Chair Gibson called the meeting to order at 6:30 p.m.*

2. ROLL CALL - All board members present.

3. PUBLIC COMMENT – No Public comment

4. MINUTES

A. Approval of Minutes

Additions and corrections to the March 7, 2023, and April 18, 2023 minutes were noted and revised minutes will be presented at the next HPC meeting. No motion was submitted by the board.

5. UPDATES

A. Bandstand – Gazebo

Mayor Prud'homme-Bauer: The Town Council's decision to reconstruct the bandstand was based on careful examination of architects and engineer's reports, technical information, cost estimates and the public safety issues of the Bandstand as a public facility.

Matthew Guebard: The Secretary of Interior guidelines should be followed, and all options

considered, in favor of rehabilitating the Bandstand.

Michael Lindner: HPC was not included in the bidding process and selection of the contractor and whether bandstand was to be repaired or rebuilt.

Cynthia Mala, Resident: Reconstructing the Bandstand removes the historical designation. Frost Engineering stated the structure was safe for public use.

Amanda Arnold, Resident: The Bandstand reconstruction is destruction of historic preservation. Historic preservation creates a sense of place.

Drake Mienke, Resident: The Bandstand is the center of this town and connects the entire town. The ASU study and general plan support historic preservation.

Curtis Lindner, Resident: Rehabilitate the Bandstand to keep on the national historic register as a contributing historical structure.

Michael Lindner, Resident: The Council should re-consider rehabilitating the Bandstand. Greg Moranda has experience in historic preservation construction and has the ability to restore and preserve the Bandstand.

6. REPORTS

A. Bandstand – Gazebo

Community Development Director Ruth Mayday: Presented photos of the structural decay of the bandstand. The current condition of the bandstand does not meet building code standards, is structurally unsafe and must be brought to commercial code requirements for public use.

7.

A. Historic Preservation Ordinance (HPO) Update

Jon Froke, of Froke Urban Planning LLC, presented a Power Point showing the revised pre-final draft HPO reflecting Commission and public feedback from the March and April meetings. The following HPO sections were revised:

Section 3-170-050 Certificate of Hardship: Removed all references for request of applicant's economic and personal information, lines 3, 4, 5 and 8.

Section 3-170-070 Design Guidelines: Provided more detailed design guidelines for new, remodeled, or adaptive reuse of historic commercial building facades that included two sections: 1. Siting and 2. Examples of exterior wall design, materials, and finishes. All other development and performance standards are found in the underlying zoning district.

Comments:

Michael Lindner: Clarify rules and responsibilities between the Certificate of Appropriateness and Certificate of No Effect. Recommend 'historic preservation specialist' be someone outside the Town staff that is on a retainer and credentialed.

Jon Froke, HPO Consultant: Building Permit review process will include verifying if the project meets the guidelines for a Certificate of No Effect:

1. The proposed work is clearly within the design guidelines, and;
2. The proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic District. More complex projects would include Historic Preservation Commission (HPC) review.

Cindy Emmett: Would like the HPC to review all projects in the historic district.

Ruth Mayday, CDD: If a project does not meet Certificate of No Effect guidelines, the project will be reviewed by the HPC.

Ed Losche, Resident: We need the HPC and their expertise and need to include them in the decision-making process. We need the HPO approved to become a certified local government.

Drake Meinke: An HPO will enable us to apply for more grants and benefit downtown business.

Ruth Mayday, CDD: When HPC finalizes the ordinance, we will initiate public hearings with the Planning Commission who will make a recommendation to Town Council who will approve, deny or send back for more work.

8. FUTURE AGENDA ITEMS

1. Discuss Section 17-8-2 Powers and Duties.
2. Presentation of Broadway Phase 2 plan improvements.
3. Request a list of all condemned structures in past two years.
4. Status of Bitter Creek award.
5. Historic Preservation Ordinance update.
6. Bandstand update.

9. ADJOURNMENT - Chair Gibson adjourned the meeting without objection at 9:39 p.m.



Staff Report

Item Number: 5.A.

<u>Agenda Item:</u>	Town Code 17-8-2: Historic Preservation Commission Review and discussion of Town Code Chapter 17, Boards and Commissions, Article 17-8 Historic Preservation Commission.
<u>Staff Contact:</u>	Ruth Mayday, Community Development Director
<u>Meeting Date:</u>	July 18, 2023
<u>Strategic Goal:</u>	This agenda item supports the following Clarkdale Strategic Goal Area: • Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.
<u>Background:</u>	At the June 6, 2023 meeting of the Historic Preservation Commission ("HPC", "Commission"), Commissioner Lindner requested a review and discussion of Town Code Chapter 17, <u>Boards and Commissions</u>, Article 17-8 <u>Historic Preservation Commission</u>, to ensure that the Commission is performing the duties set forth therein. This staff report walks through those responsibilities and the actions taken by both the HPC and Staff. It also addresses the relationship between the HPC and Town Council, and HPC and Staff. The Historic Preservation Commission was created by the Clarkdale Town Council upon the approval of Ordinance No. 405 on July 28, 2020. It outlined numerous tasks for which the HPC is responsible for accomplishing: A. Creation of a plan for historic preservation of historic properties B. Maintain review criteria and guidelines and include in Historic Preservation Plan. C. Maintain criteria for review of applications for Certificates of Appropriateness. D. Review properties proposed for designation as historic properties. E. Review nominations for historic districts. F. Review and approve, deny, or conditionally approve applications for Certificates of Appropriateness. G. Maintain the local Historic Resources Inventory. H. Conduct detailed studies and surveys of historic properties. I. Determine and cause to be created a system of historic markers.

- J. Recognize owners of historic properties.
- K. Make recommendations to Council regarding the acquisition of property suitable for preservation.
- L. Make recommendations to Council regarding the use of funds to promote historic preservation.
- M. Make recommendations to Council to accept gifts, grants, and the like to promote historic preservation.
- N. Cooperate with and enlist the assistance of persons, organizations, and other agencies in matters related to historic preservation.
- O. Increase public awareness through public education programs.
- P. Prepare written reports for Town Council and SHPO.
- Q. Work with and assist departments of the Town in matters affecting historic preservation.
- R. Assist property owners, upon request, by providing advice regarding historic preservation.
- S. Encourage and assist historic property owners in listing their properties on the National Register of Historic Places.
- T. Carry out such other duties as may be determined by the Town Council

This is an abbreviated list; a discussion of the full text is included below. To fully understand the role of the HPC, a review of Town Code Chapter 17, Boards and Commissions, Article 17-1 General, Section 17-1-1 Creation is helpful. It sets forth the ability of Town Council to create boards, committees, and commissions as it deems necessary. (Clarkdale Town Code, 17-1-1 (A)). In §§B, the Code states:

“Any board, committee, or commission created by the Council shall be *responsible to the Council* and shall *function in an advisory capacity* to the Council unless otherwise provided by State law, Town ordinance or resolution.” (emphasis added)

This section clearly defines the HPC as an advisory commission; as such, the Council may accept its recommendations, reject its recommendations, or ignore them completely. The Town Attorney’s Legal Opinion further describes the role of the HPC with respect to Council. A copy has been provided for the convenient review of commissioners.

Ordinance #405 is the enabling legislation for this commission; it is not a charter. In municipal terms, “charter” has a specific meaning which describes the specific document (the Charter) that sets forth the creation and governance of a Charter City. The Town of Clarkdale is a General Law municipality operating under Arizona Revised Statutes within a Council/Manager form of government.

Article 17-8 Historic Preservation Commission

Section 17-8-1 Purpose and creation: Each Ordinance that creates a board,

committee, or commission should state the purpose of that body and how/why it was created. This can be found in Section 17-8-1: Creation:

There is hereby created a Historic Preservation Commission for the identification, evaluation, protection, preservation, and enhancement of historic properties that have significance for the Town of Clarkdale.

These purposes govern the actions and responsibilities of the HPC to "identification, evaluation, protection, preservation, and enhancement of historic properties...", and actions taken to fulfill those tasks are limited by the purpose statement.

Section 17-8-2 Powers and Duties: This section of the code sets forth the role of the HPC in relation to the Town Council, which is to make recommendations to Town Council, and grants it the authority to implement recommendations adopted by the Town Council. For instance, the Historic Preservation Ordinance is a good example of the authority granted by Council to HPC for review of Certificates of Appropriateness, among other things.

This section then reiterates the responsibility of the Commission, which is "to promote the purposes and objectives of the article and shall include, but not be limited to, the following:

A. Initially create, for approval by the Town Council, and maintain, and update every five (5) years or as directed by Town Council, a plan for historic preservation of historic properties within the Town of Clarkdale.

- Staff developed a Strategic Plan that incorporates all the obligations set forth in this section of Town Code.

B. Maintain review criteria and guidelines contained in the historic preservation plan to assure fair and impartial evaluation and designation of historic properties and historic districts. The Commission shall periodically review these criteria and make such adjustments or updates as may be required with approval of the Town Council.

- This task has not yet been initiated.

C. Maintain criteria to assure fair and impartial review of applications for certificate of appropriateness. Such criteria shall be subject to review and recommendation by the Design Review Board (DRB), Planning Commission, and ratification by the Town Council.

- Review of applications for Certificates of Appropriateness are included in the Historic Preservation Ordinance.

D. Review properties proposed for designation as historic properties, explain

to the owners thereof the potential effects of such designation as known to the Commission at that time, and make recommendations to designate, conditionally designate, or deny designation based on criteria and facts as stated.

- No properties have been proposed for designation.

E. Review property nominations for designation as a historic district, explain to the owners of all such properties therein the potential effects of designation as known to the Commission at that time, and make recommendations to the Planning Commission and Town Council regarding any proposed rezoning within a historic district.

- No nominations for designation of historic districts have been submitted.

F. Review and approve, conditionally approve or deny applications for a certificate of appropriateness.

- No applications for Certificates of Appropriateness have been received.

G. Maintain and periodically review and update the local historic resources inventory and consider the inclusion of any properties which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist or no longer meet the criteria for inclusion.

- This task has not yet been initiated.

H. Conduct detailed studies and surveys of properties and areas and assess their potential for designation as historic properties or historic districts.

- This task has not yet been initiated.

I. Determine and cause to be created a system of markers for designated properties.

- This task has been initiated. The Commission has reviewed and approved the design presented by Drake Meinke of the Arizona Copper Arts Museum. It has also done preliminary research to update the existing Historic Markers throughout the Town. Funding will be sought through the Arizona Tourism grant program or other sources.

J. Recognize the owners of designated properties. Issue commendations or other forms of recognition to owners of historical properties who have rehabilitated their property in an exemplary manner.

- This task has not yet been initiated.

K. Make recommendations to the Town Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.

- This task has not yet been initiated.

L. Make recommendations to the Town Council regarding the use of Federal, State, Town, or private funds to promote historic preservation.

- The following recommendations have been made with respect to grant applications:

- 1) 10/7/21: HPC supports the proposed application of the ACAM for Heritage funds and recommends the same to Town Council rather than the Town's proposed application for funding for the rehabilitation of the Bandstand.
- 2) 8/31/2022: HPC supports an application by Drake Meinke for historic signage, sidewalk café FF & E, and museum display inside Market Building.

M. Make recommendations to Town Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions for the preservation of historic buildings.

- To date, no formal proffers of gifts, grants, bequests, or other offers have been made to the Town for the purpose of historic preservation.

N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, subject to Town Council approval.

- Individual commissioners may have enlisted the assistance of such entities; however, those communications have not been approved by Council.
- Staff continues to work with SHPO on Historic Preservation projects.

O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.

- This task has not yet been initiated.

P. Annually prepare written reports of Commission activities; submit such

reports to the Town Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.

- Reports have been provided to Town Council in the form of joint meetings and therefore made available to the public. No annual reports have been made to SHPO, but numerous calls and emails with updates have been made by staff to SHPO.

Q. Work with and assist departments of the Town in matters affecting historic preservation. Commission can recommend to staff and Council that action be taken to prevent the demolition by neglect of designated historic structures.

- Offers of assistance have included historic markers and funding.

R. Assist property owners, upon request, by providing advice, recommendations or direction on matters regarding the restoration, rehabilitation, alteration, landscaping, or maintenance of any historic property.

- No requests have been received for such advice or assistance.

S. Encourage and assist property owners of historic properties on procedures for inclusion on State historic listings and the National Register of Historic Places. At the request of property owners, the Commission may provide recommendations to appropriate State and Federal agencies in support of applications for historic designation on specific properties.

- This task has not yet been initiated.

T. Carry out such other duties as may be determined by the Town Council, and present other recommendations as may be deemed pertinent.

- No additional duties have been identified. Recommendations from the HPC to Council have been presented by staff.

Section 17-8-3 Membership: This section of the code sets forth the experience necessary for appointment to the HPC, the number of commissioners, the method of appointment, how vacancies shall be filled, and the terms under which a special meeting can be called.

Unlike most other boards and commissions, the Secretary of Interior and by extension, SHPO, require certain qualifications for those appointed to the HPC. Those requirements are identified in §§

A. "Members should have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a historic preservation organization, employment or volunteer

activity in the field of historic preservation, professional experience in real estate or construction activities related to historic preservation, educational background in a related field, or other serious interest in the field. To the extent possible, it is desirable that at least two (2) members have professional experience in the field of architecture, planning, history, archaeology, or construction.”

B. The Historic Preservation Commission shall have five (5) members appointed by the Town Council as set forth in Section 17-1-2, Membership and Term of Office.

C. Vacancies shall be filled in accordance with Section 17-1-3, Vacancies and Removal of Members.

D. Special meetings shall be called in accordance with Section 17-1-7, Meetings.

Section 17-8-4: Advisory committees:

Advisory committees may be created by the Commission to study and report to the Commission on pertinent matters. Such committees may include citizens who are not members of the Commission, but shall include at least one (1) Commission member who shall serve as chair of the committee. Committees appointed for a specific task shall dissolve when the task is completed and its report has been presented to the Commission. Such advisory committees shall be subject to applicable State statutes regarding conduct of meetings, records keeping and public notification.

HPC and Council: As outlined in the June 16, 2023 legal opinion (see attachment), the HPC is an advisory board to the Town Council. This means that Council can task the HPC with carrying out the responsibilities as set forth in the Ordinance, assign other tasks as it sees fit, and has the ability to change the Ordinance. The HPC hears items such as the structural engineering report and makes recommendations to Council regarding the content of the reports or further actions that may need to be taken. It is completely within Council’s purview to accept, reject, or modify any report or recommended action as it sees fit. This also includes amendments to the text of the Town Code or Zoning Code.

HPC and Staff: Staff’s role is to research topics and present information to the HPC, advise the Commission with respect to discussions and proposed actions, and make recommendations regarding reports, approvals, and other decision points for the HPC. The role of the Commissioners is to consider the information presented to them and make recommendations to Town Council as required.

HPC, consultants, and agencies: Communication between the HPC, consultants, and agencies should be directed to staff. Consultants are retained by the Town and are responsible to staff.

Similarly, it is not advisable for commissioners to discuss projects with state or federal agencies such as ADOT, ADEQ, SHPO, NACOG, and others as staff is responsible for managing projects.

Elected and appointed officials play an important role in municipal government. They are extensions of the electorate and ensure that all voices in the community are heard, not just the loudest. However, there are clear boundaries that define their roles, as well as the roles of professional staff.

Budget Impact: No budget impact.

Recommendation: No recommendation. Discussion item only.

Memorandum BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, P.L.L.C.

To: Clarkdale Historic Preservation Commission From: Stephen W. Polk, Esq. cc: Susan Guthrie
Clarkdale Town Attorney Town Manager

File: Town of Clarkdale – Legal Opinions File #: 5043.001

Re: Historic Preservation Commission Roles & Responsibilities Date: June 16, 2023

Question: What are the roles and responsibilities of the Clarkdale Historic Preservation Commission?

Answer:

1. HPC established by Ordinance No. 405

The Historic Preservation Commission was established by the Clarkdale Town Council with the specific purpose to aid and advise the Council. The Historic Preservation Commission operates under Ordinance No. 405, and not a charter.

As specified in Clarkdale Town Code Sections 17-1-1 and 17-8-2, its function is purely advisory, meaning it has no legislative or executive power. The Commission can provide its expertise, research, and recommendations related to preserving historic landmarks and areas within the Town, which may guide the Town Council's decisions.

2. Does This Obligate the Town Council to Consult with the Historic Preservation Commission Before Making Decisions?

Despite HPC's role to assist the Council, the Town Council is under no requirement to consult with the Historic Preservation Commission. The Council is entirely at liberty to use its discretion when soliciting and considering the advice of the Commission. They can accept, reject, or modify any recommendations that the Commission offers. This provides the Town Council with the autonomy to make decisions that they believe are in the best interest of the community, regardless of the Commission's advice.

Additionally, the Town Council is not obliged to maintain ongoing dialogue with the Historic Preservation Commission once a recommendation has been made. The conversation may end at that point, and the Council may decide to engage in further discussion or not, at its discretion. This independence emphasizes the advisory role of the Commission and the ultimate decision-making authority of the Town Council.

3. Town of Clarkdale Public Service Handbook Standards of Civility and Decorum.

Commission members, in their advisory role to the Town Council, are expected to adhere to the highest standards of civility and decorum at all times. Their role is not just a position of responsibility, but also of representation – representing the interests of the community and the

standards of the Town Council, while being role models for residents and other stakeholders involved in public discourse.

The Town of Clarkdale Public Service Handbook, provides:

“B. 6. Town Council/commissions must weigh many factors in making their decisions. This includes factors that may outweigh the technical and professional advice of a Councilmember, commission member, or staff. Once a decision is made, it should be respected as the final position of the Town.”

“C. 2. **Practice Civility and Decorum in Discussions and Debate:** Difficult questions, tough challenges to a particular point of view, and disagreement with ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.”

Members must act with integrity and professionalism, showing respect and courtesy to their fellow commission members, Town Council members, town staff, and members of the public. They should engage in open and honest communication, refraining from any personal or derogatory remarks. They should also listen attentively and respectfully to others' viewpoints, promoting an environment of inclusion and mutual respect, with objections being voiced politely and reasonably, following parliamentary procedure. Public discourse can and should involve diverse viewpoints on challenging issues – but Commission members must respect the process and accept the final decision of the Council.

3. Applicability to the Town Park Gazebo decision-making process.

Regarding the Town Park gazebo, Town staff engaged with the Historic Preservation Commission during the lengthy decision-making process. The Council received and accepted recommendations from the Commission to engage a historic structural engineer regarding the rehabilitation of the gazebo.

Subsequently, the Historic Preservation Commission recommended to Council that they accept the report from the engineering firm and proceed with procurement to restore the structure. Council voted to accept both of these recommendations and directed staff to issue an RFP. The Council voted to reject the bid submitted and directed staff to gather bids that included reconstruction.

4. Conclusion.

The Council acted appropriately in its deliberative process and made a unanimous decision for the benefit of the community.

Sincerely,
BOYLE, PECHARICH, CLINE
WHITTINGTON & STALLINGS, P.L.L.C.

A handwritten signature in blue ink, appearing to read "Stephen W. Polk". The signature is fluid and cursive, with the first name "Stephen" and last name "Polk" being more prominent than the middle initial "W".

Stephen W. Polk, Esq.
Clarkdale Town Attorney

Section 17-1-1 Creation

- A. The Council may create such boards, committees, and commissions, standing or special, as it deems necessary. In addition, the Council may budget to provide any aid and assistance from the administrative staff of the Town to any committee, board, or commission as may be necessary or appropriate.
- B. Any board, committee, or commission created by the Council shall be responsible to the Council and shall function in an advisory capacity to the Council unless otherwise provided by State law, Town ordinance or resolution.
- C. For the purposes of this chapter, the terms “advisory member,” “board,” “committee,” and “commission” shall be defined as follows:
- “Advisory member” means an alternate member of a board, commission, or committee with the powers and duties as provided in Section [17-1-8](#).
- “Board” means a standing group that meets as needed, whose functions are determined by the Town Council and/or State law.
- “Commission” means a standing group with continuing regularly scheduled meetings, whose functions are determined by the Town Council and/or State law.
- “Committee” means a temporary group appointed by the Town Council for a particular matter, task, or duty. [Ordinance #418, 2022; Ordinance #338, 2011; prior code § 17-1-1.]

The Clarkdale Town Code is current through Ordinance #420, passed December 13, 2022.

Disclaimer: The Town Clerk has the official version of the Clarkdale Town Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.

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Article 17-8

HISTORIC PRESERVATION COMMISSION

Sections:

- 17-8-1 Creation**
- 17-8-2 Powers and duties**
- 17-8-3 Membership**
- 17-8-4 Advisory committees**

Section 17-8-1 Creation

There is hereby created a Historic Preservation Commission for the identification, evaluation, protection, preservation, and enhancement of historic properties that have significance for the Town of Clarkdale. [Ordinance #405, 2020.]

Section 17-8-2 Powers and duties

The Town of Clarkdale Historic Preservation Commission shall make recommendations to the Town Council and have the authority to implement recommendations adopted by the Town Council. The Historic Preservation Commission shall exercise the following powers and duties:

The responsibility of the Commission is to promote the purposes and objectives of the article and shall include, but not be limited to, the following:

- A. Initially create, for approval by the Town Council, and maintain, and update every five (5) years or as directed by Town Council, a plan for historic preservation of historic properties within the Town of Clarkdale.
- B. Maintain review criteria and guidelines contained in the historic preservation plan to assure fair and impartial evaluation and designation of historic properties and historic districts. The Commission shall periodically review these criteria and make such adjustments or updates as may be required with approval of the Town Council.
- C. Maintain criteria to assure fair and impartial review of applications for certificate of appropriateness. Such criteria shall be subject to review and recommendation by the Design Review Board (DRB), Planning Commission, and ratification by the Town Council.
- D. Review properties proposed for designation as historic properties, explain to the owners thereof the potential effects of such designation as known to the Commission at that time, and make recommendations to designate, conditionally designate, or deny designation based on criteria and facts as stated.

- E. Review property nominations for designation as a historic district, explain to the owners of all such properties therein the potential effects of designation as known to the Commission at that time, and make recommendations to the Planning Commission and Town Council regarding any proposed rezoning within a historic district.
- F. Review and approve, conditionally approve or deny applications for a certificate of appropriateness.
- G. Maintain and periodically review and update the local historic resources inventory and consider the inclusion of any properties which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist or no longer meet the criteria for inclusion.
- H. Conduct detailed studies and surveys of properties and areas and assess their potential for designation as historic properties or historic districts.
- I. Determine and cause to be created a system of markers for designated properties.
- J. Recognize the owners of designated properties. Issue commendations or other forms of recognition to owners of historical properties who have rehabilitated their property in an exemplary manner.
- K. Make recommendations to the Town Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.
- L. Make recommendations to the Town Council regarding the use of Federal, State, Town, or private funds to promote historic preservation.
- M. Make recommendations to Town Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions for the preservation of historic buildings.
- N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, subject to Town Council approval.
- O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.
- P. Annually prepare written reports of Commission activities; submit such reports to the Town Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.
- Q. Work with and assist departments of the Town in matters affecting historic preservation. Commission can recommend to staff and Council that action be taken to prevent the demolition by neglect of designated historic structures.
- R. Assist property owners, upon request, by providing advice, recommendations or direction on matters regarding the restoration, rehabilitation, alteration, landscaping, or maintenance of any historic property.
- S. Encourage and assist property owners of historic properties on procedures for inclusion on State historic listings and the National Register of Historic Places. At the request of property owners, the Commission may

provide recommendations to appropriate State and Federal agencies in support of applications for historic designation on specific properties.

T. Carry out such other duties as may be determined by the Town Council, and present other such recommendations as may be deemed pertinent. [Ordinance #405, 2020.]

Section 17-8-3 Membership

- A. Members should have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a historic preservation organization, employment or volunteer activity in the field of historic preservation, professional experience in real estate or construction activities related to historic preservation, educational background in a related field, or other serious interest in the field. To the extent possible, it is desirable that at least two (2) members have professional experience in the field of architecture, planning, history, archaeology, or construction.
- B. The Historic Preservation Commission shall have five (5) members appointed by the Town Council as set forth in Section [17-1-2](#), Membership and Term of Office.
- C. Vacancies shall be filled in accordance with Section [17-1-3](#), Vacancies and Removal of Members.
- D. Special meetings shall be called in accordance with Section [17-1-7](#), Meetings. [Ordinance #405, 2020.]

Section 17-8-4 Advisory committees

Advisory committees may be created by the Commission to study and report to the Commission on pertinent matters. Such committees may include citizens who are not members of the Commission, but shall include at least one (1) Commission member who shall serve as chair of the committee. Committees appointed for a specific task shall dissolve when the task is completed and its report has been presented to the Commission. Such advisory committees shall be subject to applicable State statutes regarding conduct of meetings, records keeping and public notification. [Ordinance #405, 2020.]

The Clarkdale Town Code is current through Ordinance #408, passed November 10, 2020.

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PUBLIC OFFICIAL CONDUCT

Section Two

A. Public Official Protocols

Public officials should:

- Demonstrate honesty and integrity in every action and statement.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Clarkdale government.
- Work for the common good, not personal interest.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Fully participate in meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Participate in scheduled activities to increase effectiveness.
- Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations.
- Respect the proper roles of elected and appointed officials and Town staff in ensuring open and effective government.
- Provide contact information to the Town Clerk, your staff liaison or your immediate supervisor in case an emergency or urgent situation arises while you are out of town.

B. Conduct with One Another

Public Officials include individuals with a wide variety of backgrounds, personalities, values, opinions, perspectives, and goals. Recognizing this diversity, all have chosen to serve the public in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as representatives may “agree to disagree” on contentious issues.

1. **Treat Others as You Would Like to be Treated:** Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way. Governance of a town relies on the cooperative efforts of elected officials and volunteers, who set policy, and Town staff, who analyze problems and issues, make recommendations, and implement and administer the Town Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.
2. **Treat Each Other as Professionals:** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.
3. **Channel Communications Through the Appropriate Town Staff:** Questions or concerns about staff recommendations, Town operations, and business items before the Town Council or commissions should be directed only to the Town Manager, Assistant Town Manager, Town

Attorney, Department Heads, or staff liaison. The office of the Town Manager should be copied on any request to Department Heads made by Councilmembers. Representatives should not meet with department staff directly, but work through Department Heads, who will determine if they, too, need to attend any meetings with representatives.

Following this communication practice helps insure that issues are addressed most appropriately and expeditiously, and upholds the tenets of the Council/Manager form of government. When in doubt about appropriate staff contact, ask the Town Manager for direction.

4. **Concerns Regarding Individuals:** All critical concerns about staff performance by a Councilmember or commission member should be expressed in private to the Town Manager. If a Town Council or commission representative has a concern with the effectiveness of a colleague on the Town Council or their commission, and is comfortable talking with that individual privately, the representative should do so. If the problem is not resolved, the representative should consult with the chair or liaison of the Town Council or commission.
5. **Depend Upon the Staff to Respond to Citizen Concerns and Complaints:** Elected and appointed officials are often contacted directly by citizens with regard to specific concerns about the Town. While it is not the role of the elected or appointed official to resolve those concerns personally, it is important that you pass on concerns and complaints to the Town Manager or appropriate Department Head. The staff should respond according to the procedure for responding to customer concerns, along with informing the representative how the concern was resolved.
6. **Respect the Role Of Council/Commissions Representatives As Policy Makers For The Town:** Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Town Council or commission support for particular positions or recommendations in order to craft recommendations. The Town Council/commission must be able to depend upon the staff to make independent recommendations. Staff should provide information regarding alternatives and their pros and cons as part of the staff recommendation.

Town Council/commissions must weigh many factors in making their decisions. This includes factors that may outweigh the technical and professional advice of a Councilmember, commission member, or staff. Once a decision is made, it should be respected as the final position of the Town.

C. Conduct During Public Meetings

1. **Use Formal Titles:** In the interest of conducting an orderly meeting, the chairperson, at their discretion, may choose to address all present by their formal titles, such as when there is an audience or controversial issues are being discussed and/or being reported on by the media.
2. **Practice Civility and Decorum In Discussions and Debate:** Difficult questions, tough challenges to a particular point of view, and disagreement with ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.
3. **Honor the Role of the Presiding Officer in Maintaining Order and Equity:** Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and reasonably, following parliamentary procedure.

4. **Demonstrate Effective Problem-Solving Approaches:** Representatives have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Representatives are role models for residents and other stakeholders involved in public debate.
5. **Be Respectful of Other People's Time:** Stay focused and act efficiently during public meetings.
6. **Agenda Questions:** Representatives are encouraged to submit their questions on agenda items to the appropriate department as far in advance of the meeting as possible so that staff can be prepared to respond at the meeting.
7. **Regular and Special Meetings:** Regular meetings are held according to the Clarkdale Town Code or the commission's adopted schedule. A special meeting may be called when needed for the transaction of business. The calling of all meetings must satisfy the requirements of the Open Meeting Law. Riggins Rules and Robert's Rules of Order shall be used as references while conducting meetings. Business may only take place at special or regular meetings if a quorum of the public body is present.



Staff Report

Item Number: 5.B.

Agenda Item: **Broadway Phase II Improvements**
Discussion only regarding the Broadway Phase II Improvements.

Staff Contact: Ruth Mayday, Community Development Director

Meeting Date: July 18, 2023

Strategic Goal: Not applicable.

Background: This project is the second and final phase of the overlay and associated improvements to Broadway between the termination of Phase I just north of Peace Garden Path and the Town Boundary with Cottonwood, approximately $\frac{3}{4}$ of a mile from the end of Phase I.

State Highway User Funds (HURF) are exchanged for Federal Surface Transportation Block Grant Program funds for areas of under 200,000 population and under 5,000 population pursuant to Arizona Revised Statutes. HURF Exchange (HURF X) funding will be credited to the applicable Council of Governments (COG) or Municipal Planning Organization (MPO) at 90% of the amount of the federal Surface Transportation Block Grant Program funds programmed for the Project in the Transportation Improvement Program.

As with Phase I, this project will continue the installation of curb and gutter along both sides of Broadway to protect the edge of the pavement from damage and provide additional drainage control. Pedestrian access will include both asphalt and concrete paths on one side of the road as required, and bike lanes have been added for cyclists. Once the milled overlay is complete, new striping will be laid. Other improvements include safety railings, secondary roadway aprons, and drainage enhancements.

Historic Designation

While Broadway was the original SR 89, it was abandoned as a state highway upon the completion of the SR 89A bypass in 1938. The remaining Right-of-Way (ROW) was deeded to the Town of Clarkdale in the 1970s; since then, it has been under Town control.

Town Council adopted the Broadway Corridor Focus Area Plan on Sep. 11, 2018. This plan identifies the broad land use designations and zoning districts assigned to land within this area, identifies challenges and opportunities, and

sets forth seven (7) strategies for development of the area.

The plan also discusses the potential for acquiring historic/scenic status for Broadway, as the historic designation can be obtained for Arizona roads and highways that were constructed between 1912 and 1955. As ADOT no longer controls the ROW, there is a separate application process to establish the designation. To date, the Town has not submitted an application for designation for historic status.

Budget Impact: No budget impact.

Recommendation: No recommendation. Discussion item only.



Staff Report

Item Number: 5.C.

<u>Agenda Item:</u>	Condemned Structures Discussion only regarding condemned structures in the Town of Clarkdale.
<u>Staff Contact:</u>	Ruth Mayday, Community Development Director
<u>Meeting Date:</u>	July 18, 2023
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	At the June 6, 2023 meeting of the Historic Preservation Commission, Commissioner Lindner requested a list of all structures in Clarkdale that have been condemned in the last two (2) years. Staff has researched all condemnation information available for the calendar years 2021, 2022, and year to date 2023. No structures have been condemned within the corporate boundary of the town during that time period.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	No recommendation. Discussion only.



Staff Report

Item Number: 5.D.

Agenda Item:

Bitter Creek Bridge

Discussion only regarding the Bitter Creek Bridge.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

July 18, 2023

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.

Background:

The federal government funded approximately \$1.5 billion through the Bipartisan Infrastructure Law, a portion of which was set aside for rural communities such as Clarkdale. Staff completed and submitted an application for the initial round of the RAISE grant in 2022; however, the project was not selected for funding.

Based on feedback from rural communities, the Arizona Legislature funded the SMART grant, which provided monies to rural communities to ensure projects submitted for RAISE were "shovel-ready." Town staff applied for and were awarded \$807,500 for design and other pre-construction activities. Because state funds will likely be used for the conversion of the historic bridge to a bike/pedestrian use, a Section 106 review will, in all likelihood, be required.

Contemporaneously with the SMART application, the Town pursued an appropriation of \$6.3 million through the Arizona legislature for the same bridge replacement project. The funds were awarded to the Town and the Town has entered into agreements with ADOT for the appropriation and has received the funds.

Historic Designation: The Bitter Creek Bridge was added to the National Register of Historic Places in 1988 as part of an application by ADOT that included over fifty historic bridges throughout Arizona. Its significance lies in several factors: its association with the United Verde Copper Company; it is the earliest intact example of a reinforced concrete slab bridge in Arizona; and the decorative design of the approaches incorporated into the bridge are unusual for this particular design and form.

Budget Impact: No budget impact.

Recommendation: No recommendation. Discussion only.



Staff Report

Item Number: 5.E.

-
- Agenda Item:** **Historic Preservation Ordinance**
Discussion only regarding the Historic Preservation Ordinance.
- Staff Contact:** Ruth Mayday, Community Development Director
- Meeting Date:** July 18, 2023
- Strategic Goal:** This agenda item supports the following Clarkdale Strategic Goal Area:
- Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.

Background: Historic preservation consultant Jon Froke of Froke Urban Planning, LLC will present a revised draft Historic Preservation Ordinance (HPO) per commission comments from the June 6, 2023 Historic Preservation Commission meeting.

This is the 7th public meeting regarding the HPO, with the first meeting on January 3, 2023, followed by several public meetings including a joint meeting with Town Council, Design Review Board and the Planning Commission on April 18, 2023.

Budget Impact: No budget impact.

Recommendation: No recommendation. Discussion only.

Section 3-170 Historic District (HD)

Section 3-170-010 Purpose

The purpose of this ordinance is to support the preservation of buildings, structures, and sites identified in the Historic Resource Survey of Clarkdale (Ryden, 1989) and the National Register of Historic Places Designation (January 1, 1988) and identify, preserve, and enhance the Town's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Clarkdale by:

1. Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;
2. Encouraging the identification and recognition of significant historic resources;
3. Encouraging the sensitive adaptation of historic properties to modern uses;
4. Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District is carried out in a manner which is not detrimental to the historic integrity of the district;
5. Encouraging the identification and protection of prehistoric and historic archaeological resources;
6. Supporting historic tourism;
7. Protecting and preserving those properties within the Town which are valuable to the preservation of the community character and identity; and
8. Preserving and enhancing the attractiveness of the Town to potential home buyers, and business interests, thereby supporting and promoting commercial development and economic benefit to the Town.

Section 3-170-020 Effect of Historic District Designation

The Historic District is an overlay zone. Permitted land uses and development standards shall be regulated by the underlying zoning district.

1. The development standards for the underlying zoning district may be superseded by the Design Guidelines adopted at the time of the district designation. This includes, but is not limited to, the size, height, locations and number of signs, the location of off-street parking, required screening and landscaping, the height of fences and walls, and the number of required off-street parking and loading spaces.

2. When a building permit is sought from the Town to ~~demolish~~, alter, remodel, move, build, renovate or otherwise develop or landscape property in the Clarkdale Historic District, issuance of the permit shall be deferred until after a Certificate of No Effect is issued by the Historic Preservation Specialist or a Certificate of Appropriateness is obtained from the Historic Preservation Commission.
3. Plans showing the full scope of the proposed work shall be submitted at the time of application for a Certificate of No Effect or a Certificate of Appropriateness. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accordance with the plan, except that temporary facilities shall be permitted in conjunction with construction.
4. Nothing in this ordinance shall be construed to prevent ordinary maintenance, cleaning, repair, including painting, of any structure in the Historic District, which does not alter or modify the historic character of the structure.

5. The HPC shall serve as the Design Review Board for historic properties in the district. (Add Map)

Section 3-170-030 Certificate of No Effect

All requests for building permits located within the Clarkdale Historic District shall be referred to the Historic Preservation Specialist.

The Historic Preservation Specialist shall issue a Certificate of No Effect if it is determined that:

1. The proposed work is clearly within the ~~D~~esign ~~G~~uidelines; and
2. ~~2.~~ The proposed work will not diminish, eliminate, or adversely affect the ~~—~~ historic character of the subject property or its effect on the Clarkdale Historic District.

Approval of a Certificate of No Effect authorizes the issuance of permits required by the Building Official. Approval of Certificate of No Effect also serves as Design Review approval.

If a Certificate of No Effect is not issued, a Certificate of Appropriateness shall be required.

All requests for building permits located within the Clarkdale Historic District shall be referred to the Historic Preservation Specialist.

Section 3-170-040 Certificate of Appropriateness

The Historic Preservation Commission shall review the application and shall conduct a public hearing within ninety (90) days of the filing of an application for a building permit. Notice of the application shall follow statutory requirements for a public hearing.

The Historic Preservation Commission shall either grant or deny the application or grant it with stipulations. This application shall be deemed approved if the initial hearing is not held within ninety (90) days of the date of application. Once approved, the Certificate of Appropriateness serves as Design Review approval.

The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior Standards for Rehabilitation and the adopted design guidelines for the district. A Certificate of Appropriateness shall be granted if the Historic Preservation Commission determines that the proposed work is:

1. Is compatible with the relevant historic, cultural, educational, or architectural qualities characteristic of the property; and
2. Does not diminish or adversely impact the integrity of the Clarkdale Historic District; or
3. Qualifies for a Certificate of Hardship.

The applicant or any Town Council Member aggrieved by the decision of the Historic Preservation Commission may, within fifteen (15) working days of this action, appeal the decision to the Town Council. If appealed, the matter shall be set for a public hearing before the Town Council. Notice of the hearing shall be sent to the applicant at least fifteen (15) days prior to the hearing and shall be posted on the property fifteen (15) days prior to the hearing.

The Town Council shall render its decision within sixty (60) days of the filing of an appeal, or the application is deemed approved. At this public hearing, the Town Council may:

1. Affirm the decision of the Historic Preservation Commission;
2. Reverse the decision of the Historic Preservation Commission; or
3. Send the application back to the Historic Preservation Commission for reconsideration.

Approval of a Certificate of Appropriateness authorizes the issuance of permits required by the Building Official. A Certificate of Appropriateness expires one (1) year from the date of issuance if a building permit is not issued for the project.

Section 3-170-050 Certificate of Hardship

A Certificate of Hardship may be granted by the Historic Preservation Commission or by the Town Council on appeal. The purpose of a Certificate of Hardship is to grant leniency in applying standards or Historic Preservation Guidelines to a proposed rehabilitation project where a demonstrated economic hardship exists.

The basis to establish hardship for an income producing property within the Historic Preservation District shall be the inability of a property taken as a whole to obtain a reasonable rate of return in its present condition or if rehabilitated.

Demonstration of a hardship shall not be based on or include any of the following circumstances:

1. Willful or negligent acts by the owner;
2. Purchase of the property for substantially more than market value;
3. Failure to perform normal maintenance and repairs;
4. Failure to diligently solicit and retain tenants; or
5. Failure to provide normal tenant improvements.

In order to properly assess a request for Certificate of Hardship, the Historic Preservation Specialist shall request and receive from the applicant all information it deems necessary. This shall/should include, but is not limited to, the following:

1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building(s) on the property, their suitability for rehabilitation, and possible new uses for the property;

2. The assessed value of the land and improvements according to the two (2) most recent assessments;

~~3. The real estate taxes paid during the previous two (2) years;~~

~~4. All appraisals obtained by the owner or applicant in connection with his purchase, financing, or ownership of the property;~~

~~5. Any listing of the property for sale or rent, price asked and offers received, if any;~~

3. All building and fire code violations which have been listed on the property for the last two (2) years.

4. Any federal, state, or local citation(s) which have determined the building to be a nuisance under applicable law.

~~8. One of the following to verify economic non-viability of project:~~

~~a. Annual gross income from the property for the previous two (2) years;~~

~~b. Itemized operating and maintenance expenses for the previous two (2) years; or~~

~~c. Annual cash flow, if any, for the previous two (2) years.~~

The procedures for obtaining a Certificate of Hardship shall be the same for obtaining a Certificate of Appropriateness.

If a Certificate of Hardship is issued, a Certificate of Appropriateness shall be granted.

Section 3-170-060 Demolition & Moving of Buildings & Structures

It is the intent of this ordinance to preserve the historic and architectural resources within the Historic District. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the Historic District. These circumstances include a building which constitutes an imminent safety hazard, which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or which imposes an economic hardship on its owners as follows:

1. No permit shall be issued to move or demolish all or any part of a building, or other structure in the Historic District without approval of a Certificate of Appropriateness as established in Section 3-170-040.
2. A request for a demolition permit shall be exempt from these requirements if the Building Official determines, according to the criteria set forth in adopted codes, that the building is an imminent safety hazard to the public and that necessary repairs would be impractical. The Building Official shall first notify the Historic Preservation Specialist in writing before issuing the demolition permit.
3. If demolition approval is not granted, then no demolition permit shall be issued for a period of one (1) year. A subsequent demolition application may be made and granted for a property which has previously been the subject of a one (1) year demolition permit denial if new facts or circumstances can be presented in support of the application.
4. If demolition approval is granted on any basis other than that of an imminent hazard, hardship, or upon expiration of a restraint of demolition, a demolition permit shall not be issued until a redevelopment or reuse plan for the property has received a Certificate of Appropriateness. Vacant land or non-use shall not be considered responsive to this requirement. A redevelopment or reuse plan shall consist of a site plan illustrating the location of building, parking, walls, and landscaping, as well as building elevations which depict roof lines, doors, windows, and other architectural details. A redevelopment or reuse plan shall also meet the requirements of Design Review as outlined in Chapter 11.
5. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

Section 3-170-070 Design Guidelines

Properties within the Clarkdale Historic District shall consider the surrounding context of the existing structures with respect to architectural style, building form, and building massing.

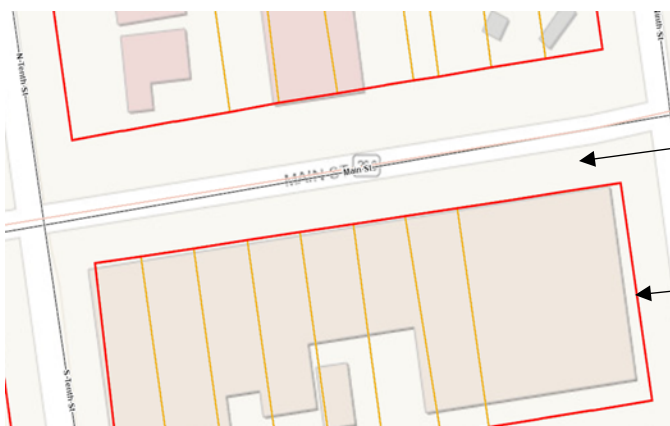
When designing new or remodeled buildings or considering an adaptive reuse of an existing building, incorporation of the following features is recommended:

Siting:

- a) Establishment of a relationship to adjoining spaces. One- and two-story buildings are encouraged.
- b) A main entrance from a public sidewalk.
- c) A strong pedestrian connection to existing sidewalks or extension of the sidewalk system.
- d) Continuity of streetscape along Main Street.
- e) The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.



Example of a **Zero Setback** and Main Entrance from Public Sidewalk on Main Street



Public Right-of-Way

Lot line/Building Facade

Exterior Wall Design, Materials & Finishes:

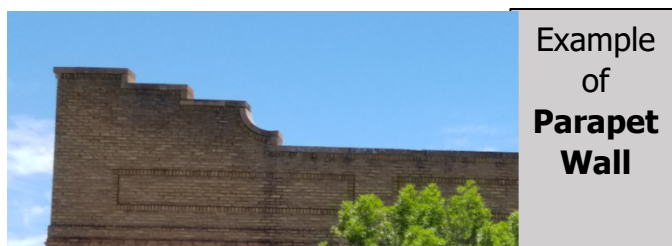
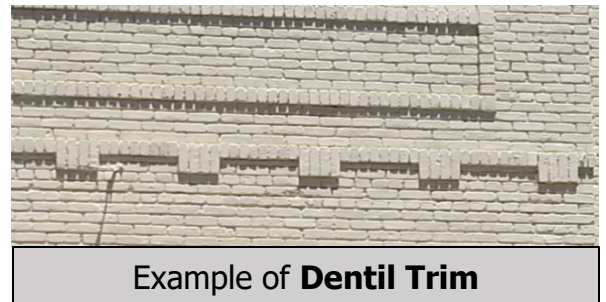
- f) Incorporation of design features such as a parapet wall, cornice, frieze, dentil trim, canopy, clerestory window, transom window, display window, recessed doorway and a bulkhead is recommended.
- g) The use of brick and stone masonry is required.
- h) Masonry may be structural or veneer. Brick façades and/or partial brick inlays are encouraged. Painting of brick is discouraged.
- i) Stucco may be used as an accent.



- j) Wood may be used as an accent.

Roof & Roof Parapet:

- k) Varied roof lines are recommended.
- l) Metal roofing is acceptable.
- m) Rooftop mechanical equipment shall be screened from public view from the front elevation.





Example
of Greek
Key
Window
Detail

n) Large storefronts are recommended. The use of wood is recommended.

Windows should be glass and should be single, double hung, or fixed. Vertical windows are recommended.



Example of
**Clerestory
Windows
&
Transom
Windows**
on Main
Street

O) Clerestory windows and transom windows are recommended.

p) Rounded arches are acceptable, where appropriate.



Example
of
**Rounded
Arches**
on Main
Street



Example of an **Arched Entry**



Example of **Awnings** on Main Street

q) The use of wood for doors is strongly encouraged. Steel may be used for doors and windows if painted or anodized to be compatible with the rest of the building.

r) Awnings are permitted. The use of canvas awnings is recommended. Metal awnings are not recommended. Copper awnings are acceptable.

All other development and performance standards are as found in the underlying zoning district. (Prior code § 3-16-3).

(Created by Ordinance #xxx; approved x/x/23; Effective x/x/23) The Clarkdale Zoning Code is current through Ordinance #411, passed June 8, 2021.

Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.

Town Website: www.clarkdale.az.gov

Town Telephone: (928) 639-2400

Code Publishing Company



Staff Report

Item Number: 5.F.

Agenda Item:**Bandstand**

Discussion only regarding the Bandstand.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

July 18, 2023

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.

Background:

Staff continues to work with the State Historic Preservation Office (SHPO) regarding next steps with the Bandstand. Since the last meeting, staff has spoken with the SHPO Architect, Susan Lawson regarding restoration rather than rehabilitation. This approach allows for a much broader range of activities that can be undertaken to restore the structure as closely as possible to its original condition. Staff also discussed this approach with Bill Otwell, the Historic Architect retained by the Town for historic preservation projects. Lastly, staff met with the contractor, Woodruff Construction, to discuss approaches to the work to be completed.

Because of the uncertainty surrounding the initial engineering report, the Town has retained Advanced Structural Engineering (ASE), to assess the structure a second time. ASE has also examined the buildings that comprise the Town Complex to determine what repairs need to be made and prioritize work to ensure the longevity and safety of the buildings. Staff met on-site on July 12, 2023 with representatives of Woodruff Construction and ASE; Bill Otwell; Bob Pipkin, Certified Building Official; Terry Norman, Public Works Supervisor; and representatives of SHPO to reevaluate the Bandstand and discuss repairs that would be appropriate for restoration of the structure. Reports will be forthcoming and provided to the Historic Preservation Commission (HPC) for review and recommendation.

Commissioner Guebard has also provided documentation of the structural assessment process and recommendations for repairs, based on guidance from Preservation Briefs published by the Secretary of the Interior. That document is attached for review and discussion, and has been provided to the

Contractor, Structural Engineer, and others attending the July 12, 2023 meeting.

Historic Designation: The Bandstand is a contributing structure in the Clarkdale Historic District and was added to the National Register of Historic Places on Nov. 27, 1997.

Budget Impact: No budget impact.

Recommendation: No recommendation. Discussion only.

Bandstand Recommendations

For over 30 years the Secretary of Interior's Standards and Guidelines for the Treatment of Historic Properties have provided guidance for the development of thoughtful treatment strategies for properties that are eligible for the National Register of Historic Places. The Standards and Guidelines are intended to "provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. It is always recommended that preservation professionals be consulted early in any project" (Grimmer 2017). Adherence to the standards are not legally required for the bandstand project, but should be voluntarily followed to protect and preserve the characteristics that make the Clarkdale bandstand eligible for the National Register as a contributing element of the Clarkdale Historic District.

Technical Briefs and Technical Series Papers elaborate on the Standards and Guidelines by providing specific examples of best practices in historic preservation. Below are recommendations for assessing the condition of the structure and planning for repairs that will assist in "identifying, retaining, and preserving the form and detailing of those architectural materials and features that are important in defining the historic character" of the bandstand (Grimmer 2017). If the Standards and Guidelines are followed in implementing a rehabilitation effort, there would be no need to reconsider the National Register eligibility of the property.

The recommendations presented here are based on the June 6, 2023 presentation entitled "[Historic Bandstand/Bandstand Update](#)". Recommendations are taken from a number of sources that include best practices for repairing historic barns, wooden porches and log structures. These recommendations are acceptable approaches to the stabilization of the bandstand because they provide repair options that address condition issues currently noted at the structure. We provide citations to each approach wherever necessary. It is worth mentioning, however, that other appropriate repair options may exist but are not listed here. The point of any appropriate option would be to suggest repairs that retain as much of the existing structure as possible and repairing or replacing existing materials only when absolutely necessary.

Research, Documentation and Condition Assessment

Research and physical investigation of the bandstand is critical to planning and implementing the least amount of repair and replacement necessary. While an engineering assessment was conducted on the property in 2022, there is a substantial difference in how the town and the engineering firm attenuate the risk of continuing to use the property. Furthermore, the concept of risk and condition are the main drivers for replacing, instead of preserving and rehabilitating the existing structure.

The Secretary of Interior's Standards and Guidelines clearly advocate for the collection of background information before deciding how to move forward with a treatment decision. "Choosing the most appropriate treatment for a building requires careful decision making about a building's historical significance, as well as taking into account a number of other considerations" (Grimmer 2017:3). Other considerations include the property's physical condition, proposed use, code and other regulations. Additional information on the condition of

the bandstand is needed before a decision to demolish and rebuild the structure can be adequately justified.

The National Park Service provides guidance in assessing structurally deteriorated historic buildings and justifying their demolition. While this guidance is related to avoiding tax penalties and is not legally required in the case of the Bandstand, it does offer helpful guidance on how to conduct and adequately report structural deficiencies. For instance, an appropriate structural assessment should include “the extent of structural deterioration, the principal causes of material or systems failure, the technical feasibility of repair and...appropriate cost estimates” (National Park Service 1981). In light of the discovery of burned structural wood reported to the commission on June 6, 2023, we strongly recommend that an engineering firm reevaluate the property as well as review the treatment options presented here.

The town has currently completed what Preservation Brief #35 might call reconnaissance, this includes a quick visual assessment of the property. Given disagreements about the structure’s stability, we recommend hiring another engineering firm and making them aware of all potential concerns with the structure. Overall, the intended outcome is to receive an unbiased and technically sound assessment that would inform the best option for repairs.

In addition to a structural engineering report, the gazebo should be thoroughly researched and documented before any treatment is implemented. Fortunately, the Clarkdale Historical Society consists of passionate individuals with access to archival documentation regarding the history of the bandstand and its use over the last 100 years.

Documentation consisting of photographs and maps should also be undertaken before any work is started. This information can provide insight into the property’s condition, help to inform options for appropriate repairs and provide a guide for contractors and the town while work is proceeding. Local individuals with photogrammetric mapping equipment and software could also be used (free of charge) to create a digital model of the existing structure. Spence Gustav (spencehg@yahoo.com) has extensive experience documenting prehistoric and historic structures on U.S. Forest Service land. He has tentatively offered to assist with photogrammetric mapping, free of charge, if requested directly by the town.

Below are recommendations for repairing the existing issues presented to the Commission on June 6, 2023:

Burned/Cracked Floor Joists

Evidence of burning does not automatically mean that a wooden element is compromised and must be replaced. The depth and extent of fire damage should be assessed before a decision can be made. A standard way of determining the extent of damage involves removing (through scraping) small areas with charred wood. Charred wood should be removed until clean, “bright” wood is exposed. This technique allows the depth of fire damage to be measured.

Measuring the depth and extent of burning on each joist will allow a qualified structural engineer to compute the stability of each beam and determine if it is safe for retention. In areas where fire damage is severe, “sistering” new boards along one or both sides of the existing joist may be

necessary. This practice will stabilize the burned joist while retaining original material and evidence of the structure's history. "Sistering" is a common technique used to stabilize joists in historic properties (Sullivan and Leeke 2006: 18).

Similarly, cracking or checking in joists does not necessarily indicate a serious structural issue. Cracks and checks often form in dimensional lumber as a result of manufacturing processes like drying. Checking/cracking should not automatically be assumed to indicate a serious structural issue. An engineer should evaluate areas of concern to determine if they require repairs (Wood Science Consulting 2023).

Decaying Upright Posts

The upright posts are decaying (at the base) and are out-of-plumb. The town's proposal calls for the replacement of 6 of 8 uprights. However, condition issues appear to be constrained to the bottom 1/4 of each of the posts. The extent of damage to each post should be carefully assessed to determine the proper repair technique. Rotted wood should be removed and new wood "Spliced in" where necessary. For extensive damage, it is possible to remove damaged/compromised wood and perform a "Dutchman Repair" (Auer 1989:7; Bomberger 1991:10; Sullivan and Leeke 2006:9). Dutchman repair or other splicing techniques are commonly used in historic properties and are considered acceptable for structural repairs. When done properly and painted over, the repairs will be nearly imperceptible. A structural engineer should be consulted on the best way to perform these repairs.

Additional Comments on Structural Repairs

It is also likely that repairing and stabilizing the existing uprights will help to bring the structure back into alignment. Technical Brief 20 (Auer 1989) and 45 (Sullivan and Leeke 2006) discuss appropriate measures for stabilizing wooden buildings/structures with structural issues. Repairs can include the addition of strong ties or retrofitting with new wooden elements designed to provide additional structural stability. Since these new elements would not be visible, additional support for the existing wooden elements is acceptable. This type of repair would also rectify many of the issues cited by the town that include inappropriate toenailing and unsupported beams without the need for demolition and reconstruction.

An engineer can provide recommendations for stabilizing the various concerns and issues noted by the Town. Examples may include the addition of floor jacks, additional wooden uprights, concrete footings, etc. In short, however, we do not believe that these issues justify the demolition of the bandstand.

Decay of the upright posts is related to irrigation practices, particularly sprinklers that spray water directly onto the bandstand. Keeping moisture away from the structure and ensuring positive drainage to keep water from pooling around the posts are critical for the long-term effectiveness of any repair (Park 1996). We strongly recommend the town change its irrigation practices to prevent additional damage to the existing structure.

Fascia Boards and Rafter Tails

Fascia boards and rafter tails appear to be damaged by exposure to moisture and the movement of the building over time. Damage to these elements do not justify emergency replacement of the structure and are cosmetic issues that can be easily repaired in place. Damaged sections of fascia boards can be repaired by “splicing in” new wood where appropriate. Other repairs can include the use of wood epoxy and other products designed specifically for wood restoration (ex. [Abatron](#)). These are common repairs and repair materials recommended for historic properties (Sullivan and Leeke 2006:8).

Interior Roof Damage

There are a variety of products available to repair the damage noted by the Town in the 2023 assessment of the roof/”attic” space. As with the recommendations for the stabilization of floor joists, there is more latitude in introducing newer materials because the area is not visible. The goal is to preserve the existing materials, but adding new materials such as metal ties or new wooden elements are acceptable.

Exterior Roofing

Photos taken from the attic during the 2023 assessment show holes in the existing shingling. Wood shingles of a similar size and configuration should be used to replace what is currently on the roof. However, wooden shingles require maintenance and should be periodically treated with a material like shingle oil to extend its life span (Park 1989:12). If the town can’t commit to maintaining wood shingles, asphalt shingles with the appearance of wood can be considered. This option is less desirable, but easier to maintain, more durable (without maintenance) and longer lasting (without maintenance).

Access Door/Siding/Stairs

Damage to exterior components like the access door and siding should be repaired (instead of replaced) whenever possible. For instance, hinges can be reset by consolidating existing wood with an epoxy filler or hardener. If replacement wood is needed, efforts to match the existing wood in appearance and dimensions should be made

Heavily used areas such as stairs and floorboards are more susceptible to wear, damage and deterioration. These areas should be carefully assessed to determine what needs to be replaced and what can be retained. If replacement is necessary, new materials should match the existing. If possible the selection of wood should include considerations that would limit the pace of deterioration in the future (see Park 1989:12). We strongly recommend replacing all existing elements with wood, not composite materials.

Accessibility

As with the other considerations listed here, developing a plan for accessibility requires careful and thoughtful planning. It is recommended that the town work with historic preservation experts and the Historic Preservation Commission to develop a plan for providing access to the structure (Grimmer 2017:69; Jester and Park 1993).

Other considerations

Modern additions like outlets and circuit breaker boxes should be camouflaged to the extent possible. This could include installing in a recessed location to limit visual impact (Grimmer 2017:59).

General Comments about Maintenance

The maintenance of historic buildings is critical to maintaining their structural stability, condition and overall appearance. The maintenance history of the bandstand over the last 50 years attests to how large repairs, followed by periods of inactivity can be detrimental to a structure. Wooden structures can last in the desert environment for centuries, if they are properly cared for. The repairs recommended in this document must be followed by cyclic maintenance. Periodic inspections (every 2-3 years) will identify condition issues before they become serious and cost prohibitive problems. Cyclic repairs are likely less expensive in the long-run than large repairs or reconstruction episodes every 10-20 years.

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