



TOWN OF CASTLE ROCK
HISTORIC PRESERVATION BOARD
February 4, 2009
Regular Meeting
MINUTES

Time	Item	Note
<u>6:06:30 PM</u>	Call to Order	Chair Dempsey called the meeting to order.
<u>6:08:18 PM</u>	Roll Call	<p>Board Members Present: Shawn Dempsey, Fleta Nockels, Lionel Oberlin, Leann Breitreutz, Derald Hoffman, Dave Hieronymus, and Fred Edison</p> <p>Board Members Absent: Rob Christopher</p> <p>Town Council Liaisons Present: Ryan Reilly</p> <p>Staff Members Present: John Olson, Planner I Heather Day, Planning Manager Erin Sweeney, Recording Secretary</p>
<u>6:09:02 PM</u>	Meeting Certification	Ms. Sweeney certified that the meeting had been properly noticed in accordance with the open meetings law.
<u>6:09:14 PM</u>	Approval of Minutes	Motion made by Vice Chair Nockels to approve November 5, 2009 minutes. Seconded by Member Edison. Vote 7-0 for approval.
<u>6:09:35 PM</u> <u>6:09:48PM</u>	Unscheduled Public Appearances Scheduled Public Appearances	None None
<u>6:09:59PM</u>	Town Council Update	<p><u>Town Council Member Reilly:</u> The Town is actively managing the 2009 Budget. As part of this we have various contracts for service with the Chamber and the museum. What the Town has asked these organizations to do is grant some flexibility to hold some funding back should the economy not improve. The museum has agreed to this. The other thing is that we have received a call from CDOT and there may be some money in the stimulus package for rehabilitating old railway depots.</p>

		<p><u>Member Oberlin:</u> They did some work out in front of the museum a week ago and put a lot of cracks in the building next door to us. We have not been able to determine if the cracks in our building are new or not but....</p> <p><u>Town Council Member Reilly:</u> What kind of work were they doing?</p> <p><u>Member Oberlin:</u> They were breaking up chunks of concrete and burying them in the ground some way, I do not know what they were doing...But the neighbor (a business) called CDOT and told them about the problem and they said that they would discontinue that activity. I do not have any idea yet if we have any real problem.</p> <p><u>Town Council Member Reilly:</u> The museum is pretty solid.</p> <p><u>Member Oberlin:</u> A new crack has appeared on the museum wall.</p> <p><u>Town Council Member Reilly:</u> This was part of the I-25 widening process?</p> <p><u>Member Oberlin:</u> Yes.</p> <p><u>Chair Dempsey:</u> Any other questions for Council? (None)</p>
<p><u>6:13:20 PM</u></p>	<p>Public Hearing Items</p>	<p><u>Chair Dempsey</u> opens public hearing item: Historic Preservation Ordinance Update</p> <p><u>Ms. Day:</u> We emailed you a Joint Resolution that was passed by the Castle Rock Economic Development Council (CREDCO), the Chamber of Commerce, the Downtown Development Authority, and the Castle Rock Merchants Association. That Joint Resolution suggests that the Town Council consider delaying approval of the ordinance revision for a 90-day period so that a task force can be formed that includes representation from each of those four groups to study the economic impacts and propose mitigating measures to address the negative consequences of the Ordinance. We wanted to get feedback from the Historic Preservation Board regarding this proposal so that we can report that feedback or recommendation back to Town Council next Tuesday night when they will be presented with this resolution. The study team met this evening and suggested that it was appropriate for Town Council to consider delaying the Ordinance so that further dialogue could occur</p>

within the business community. Their suggestion was that the study team be expanded to include an additional member from CREDCO, the Craig and Gould Neighborhood, Castle Rock Historical Society, and from the Downtown Development Authority, as well as two members from the Chamber of Commerce and two members from the Castle Rock Downtown Merchants Association. The following options have been proposed as a response to the joint resolution and staff is asking the Board to propose a recommendation to Town Council in response to this. (See attached 5 options)

Member Oberlin: Will you please go through the organizations that requested this again please?

Ms. Day: It was the CREDCO, which is the Castle Rock Economic Development Council, the Castle Rock Chamber of Commerce, the Castle Rock Downtown Development Authority, and the Castle Rock Downtown Merchants Association.

Member Hieronymus: It is my understanding, from what we received in email today, is a request for a 90-day delay.

Ms. Day: Yes.

Member Hieronymus: How was the 90-days developed?

Mr. Day: We do have a representative from CREDCO here tonight. And Mr. Jim Folkestad is also a member of the HP Study Team. Jim, would you care to address the Board's question?

Mr. Folkestad: I don't know exactly how the 90-days came up. It seemed to be a reasonable period of time given what we were hearing from our constituents.

Member Hieronymus: Heather and Shawn, do you think that you could reach resolution in 90-days? What I'm concerned about is coming back to Council 92 days from now saying we would like another delay of 60-days to do this. Is this a big deal or is it not?

Chair Dempsey: I don't know. What Leann and I kind of agreed with along with everyone in the meeting was to go ahead and accept this but also with the idea of bringing in the other people which kind of almost doubles the

size of this study team which makes me wonder if 90-days isn't going to be enough. I guess it depends on how many times we're going to meet and what the agenda is, that sort of thing.

Member Hieronymus: I guess my viewpoint is, you guys started this, when, last summer?

Chair Dempsey: Correct.

Member Hieronymus: This will put you back to square one.

Chair Dempsey: We're probably not really back to square one.

Member Breitreutz: We've got specific areas that we've got to review and reconsider or renegotiate.

Member Hieronymus: I know it's very difficult. You are enlarging the committee. It's very difficult to move a larger committee to consensus.

Chair Dempsey: We talked about that too.

Member Breitreutz: Part of it is the economic hardship. (inaudible)

Mr. Folkestad: What we have been hearing from our membership and from some of the other organizations is that while the ordinance as proposed very carefully, the first two-thirds of it deals with people who wish to have their property landmarked, there is a procedure set out for that, and there is another entire section set out for people who don't want their property landmarked but the city wants to landmark it for some reason: involuntary land marking. They are given various rights such as individual notice, individual hearing, right to prepare their case and defend their point of view. But then you get to the last three pages of the ordinance and it simply picks out three sections of "old town," if you will, and declares them to be conservation areas. The practical affect of that all the owners of the properties in those areas is to ipso facto, declare those to be land-marked properties. It's not only the properties that are the 'jewels' of the downtown but every property that's located in the conservation area will be treated the same including vacant lots. So, if you're in a conservation area, you are treated as if it was landmarked but you don't have the prerogative of the individual hearing and notice. This

ordinance is going to do it for you and the pertinent proof will shift from the government, where it ought to be, to the private owner, to show why his property should not be considered a landmark, whether it has any historic relevance at all. That was the major problem.

Member Hieronymus: Do CREDCO and the DDA and everybody else want to see this ordinance progress or is this an opportunity or a tactic to keep it from progressing? Where do you think they're coming from on this because if you're all pulling different ways you're not going to get it?

Mr. Folkestad: I cannot speak for four groups and two of them I don't belong to. I don't think the goal is to delay anything. I think the goal is to take a harder look at this because once things are finalized, once they become ordinances, it's very difficult to turn the clock back and amend them. It's easier to look at them now and say, "Maybe we could make this a little more amenable to the people that own these properties and it constitutes a plea from those owners for a seat at the table and I've heard from this recent discussion what I call a thousand hours argument and there has been a lot of time put into this thing. But I think, that staff can tell you, I think we haven't gotten across to the people that will be affected. I think, finally, they woke up on the eve of when the ordinance is being sent to Council and said, "Gosh, this is going to have a big effect on us."

Member Oberlin: Is there anyone who can articulate what that effect might be that they are talking about, including you?

Mr. Folkestad: In the first place, right now in the downtown area, if I owned a vacant lot, which I do not, I could build a structure on that vacant lot following the normal zoning/Planning Commission route and this adds a whole other dimension to it and even though my vacant lot has no historic value whatsoever, if it becomes part of a historic conservation area, then it is treated as if it were landmarked historic jewel. For practical purposes, I have to go through the same procedures as those persons who own those

kinds of structures. My personal viewpoint is that if the community feels that a building is owned by a private owner has such historic significance that it has to be preserved in its present state that the community ought to step forward and purchase that building at its fair market value just as a condemnation. But where I'm coming from, you can see that the fact that I own a lot next to a historic structure or I own a building next to a historic structure, which is not in itself historic, is being regulated as if it were by the very reason that it is proximate to a historic building is more of a problem. I think that's problem that the property owners have. It's not being done by the deliberate process for landmarking set forth by the first two thirds of the ordinance. It's being done wholesale by reference towards the end of the ordinance and, by the way, all these areas are conservation areas and to do anything in these areas you will have to go through the same processes as a landmarked structure.

Chair Dempsey: I guess I'm wondering if there is some confusion over the conservation areas versus what we had previously or have currently, which is anything currently in the downtown area has to go through that process. It has to go through planning and then come to the Historic Preservation Board whether it's a vacant land or not. If that vacant land falls currently in downtown and then, under the new plan, under the conservation area they're still going to have to go through that process. But if they happen to be outside of one of those conservation areas they wouldn't have to go through the historic preservation process. So, I'm just wondering if there's some confusion over the conservation areas.

Mr. Folkestad: I understand that and that's a very reasonable step but it doesn't alleviate the problem for the person who happens to live in the conservation area. It alleviates the problem for the other 80% of the Downtown area that's not in a conservation area. I think that's where we have to look at this ordinance, spend that 90-days; sharpen up that process a bit so that there is some standard as to what's

to be expected of that owner who owns the vacant lot next to the historic barn or whatever it is.

Mr. Olson: If I could clarify: I think there is some lack of understanding on the part of all buildings being treated as landmarks in conservation areas. That's not completely true. Landmarks are held to a higher level of scrutiny. They are reviewed under the Landmark Alteration Certificate criteria, which a typical new construction would not be. A new construction in a conservation area would just be reviewed against our basic F.R.E.S.H. standards in the HP Plan and our Design guidelines.

Mr. Folkestad: The broad effect of what I'm getting at it has to go through the historic preservation process.

Mr. Olson: That's not changing. Our current Ordinance requires that they still have to go in front of the Board. Currently, all new construction within the downtown area now has to go in front of the Board. What is changing with this Ordinance is the purview is going to be shrinking to the conservation areas and Craig & Gould, which are areas where we have the most historical resources. Areas outside of those areas will no longer have to go in front of the Board for design review.

Mr. Folkestad: The purview of the Board will shrink but their authority will be considerably enhanced. The geographic area that the Board will have authority over is being restricted but the authority of the Board in terms of their binding effect of their rulings will be considerably enhanced; enhanced to the extent that if the Ordinance passes as is presently set forth you'd need a supermajority of the Town Council, the elected body, to overcome a ruling of an appointed, which to me is unprecedented. It's not quite as benign as John (Olson) has indicated.

Member Oberlin: We need more than 90-days, I think, for me to understand exactly what the point is. What the point of lost freedom on the part of the property owner and I'd like to see it in writing or wherever it specifies the thing that you're talking about. Sorry, maybe it's my 88-year-old mind that's

just gone away. It would be hard for me if I were asked to make a decision at this point to do so with feeling like I had any real knowledge of the real conflict of interest here that you're talking about. You've expressed it and maybe I just didn't understand it. I wouldn't vote for it basically upon not understanding it.

Member Hieronymus: What I got out of it, in summary, and correct me if I'm wrong, Jim, is that the geographic area that we review is smaller but the reviews that we have will have "teeth." And what the development community and the landowner community's desire is that they want time to review the "teeth" we're putting in because they may need to come into those teeth at some point in the future to go through that process in order to get developed. However, I've never seen this Board be unreasonable in dealing with Landowners when they bring us something they want us to look at. I think that's what they are asking 90 days for is basically to look at the extent of the teeth that we're putting in the Ordinance and they aren't real excited about that. John, have we ever had a recommendation from Historic Preservation Board or any of the people that have come through that you've seen later where they've totally disregarded everything we've (HP Board) said?

Mr. Olson: Not since I've been here, no. The Board has always acted reasonable in making decisions.

Member Magee: Does the legalese just need to be refined so that it details the difference between the protected neighborhoods and the outlying areas that are involved?

Mr. Folkestad: Yes, I think it needs to be an individualized process. I think the burden needs to shift from the private property owner to the government to show the historic relevance of the property. I don't think this Board would be unreasonable but also I think once a board's ruling has become law and have an effect of law, not only do they have the effect of law but you have to have the supermajority of the Town Council to change those rulings. I think there might be a temptation which is human, to become a bit

more inflexible in one's rulings.

Member Oberlin: But doesn't Town Council have the final disapproval or approval responsibility even under this circumstance?

Member Hieronymus: Does the Ordinance physically require a supermajority?

Mr. Folkestad: Yes. It seems that it does.

Mr. Olson: Supermajority is only required for demolition appeal by Council and involuntary landmarking.

Member Hieronymus: So what is supermajority of Council?

Mr. Olson: That's five, five votes. Five out of seven.

Member Hieronymus: So it takes five out of seven Council Members. Is that one of the things that you work on to make sure that it's a simple majority rather than a supermajority?

Member Breitreutz: We have discussed that and I can't remember specifically which parts we labeled as which but we have also asked to have a member of the Town legal department who looks for this on doing this review on some of the points that need to be binding, or however you want to put it.

Member Hieronymus: Has the Town legal department looked at it?

Member Breitreutz: Oh yeah, a whole bunch. They've been in on it from day one. But we've asked them to sit on the Study Team.

Member Hieronymus: What was the logic behind the supermajority?

Member Breitreutz: I don't know. I guess what we considered was an important part.

Mr. Folkestad: The supermajority in the Ordinance is expressed several ways. If it takes a supermajority of the Town Council to approve an involuntary landmarking; it also takes a supermajority of the Town Council to approve demolition of a building that the Historic Preservation Board considers to be historic. I'm just saying that as a point of law typically in democracy it's uncommon for appointed boards to have more power than their elected boards. That's uncommon.

Member Hieronymus: It isn't important to me as a Board Member if it's a supermajority to Town Council. If you started to establish those

specific points that would point to contention and just deal with those points of contention 90 days may be more than enough time. If you have to rewrite the entire Ordinance than I don't think you have enough time.

Member Breitreutz: I don't think the whole thing needs to be rewritten.

Mr. Folkestad: I don't think so either, speaking from what I have heard, in talking with members from the various groups. The points of contention are fairly limited in number. They need to be discussed, they need to have a point and counter-point, and they need to come to some resolution of those. I don't think that under the circumstances that 90-days is unrealistic at all.

Member Hieronymus: Is there a bullet-point summary of those points of contention?

Mr. Folkestad: Not that I have yet.

Member Hieronymus: Maybe if we could develop that and get that out to the HP Board and we could see what we thought was important, like the supermajority, simple majority. I think if we had those items, then we could tackle those items.

Member Breitreutz: We only had 45 minutes so there are a lot of things we didn't discuss. It was mainly just the fact that we needed to work on this a little bit more and we talked about adding more members to the study team from these groups that expressed concern and that was the biggest majority of it. We did not get in the specific items because we didn't have the time.

Chair Dempsey: I think we have a question on our point of contention.

A member of the Town came to the podium and introduced herself as:

Ms. Lucia McConnell, a resident of Craig and Gould (neighborhood) and a member of the Castle Rock Historical Society: I sat in on the study team meeting and in regard to the supermajority, I recall we as a group discussed that and felt that if a situation came to the Council and they were asked to make a decision on something on that had obviously generated quite a bit of interest and maybe

potentially conflict that a supermajority of the Town Council would consider all of the issues, it would, in a sense, unite everybody in the fact that we trust our Council members the same way we trust this Board to make good decisions for the majority and for the community. If it did come to the Council a supermajority would say, “we really feel strongly about this” “we really feel this is the best decision” and the Council, by having that supermajority, sends that message. But that’s how I recall that discussion because there was quite a bit of discussion surrounding that because it was asking for more but in asking for more it ended up with a more positive outcome and people moving on with what needed to be done.

Member Hieronymus: In response to that, you’d still get that unity. I don’t think you’d want to dictate unity to Town Council. Let me say this, we don’t want to dictate unity to Town Council.

Chair Dempsey: Page 9, Section 15.30.030, Letter D Quorum and Voting: A quorum for the Board shall consist of a majority of the regular membership. A quorum is necessary for the Board to hold a public hearing or to take official actions except for the public hearing may be conceived by a majority vote of the members present when a quorum is not present. A tie vote shall be deemed a denial of the motion or recommended motion.

Ms. Day: So, Mr. Chair, are you starting to hear a consensus or do we need a little more focused discussion on what your recommendation to Town Council is in response to the Resolution?

Member Hieronymus: 90-days with the caveat that if it’s not worked out, go for more.

Vice Chair Nockels: I move that the deliberations of this group be extended for 90-days. Is that what you want?

Chair Dempsey: Is that how we want to set that up?

Vice Chair Nockels: (continuing)
...deliberations of the study team continue another 90-days?

Ms. Day: Maybe some other members can

		<p>help with the formation of that motion in terms of what is your recommendation to Town Council in response.</p> <p><u>Vice Nockels</u>: You want more than just the length of time?</p> <p><u>Member Hieronymus</u>: Something along the lines of “It is our recommendation that we accept the request for 90-day delay for presenting the ordinance to Town Council.</p> <p><u>Ms. Day</u>: do you have any additional suggestions on the make-up? Do you agree with what the HP Study Team suggested in terms of maintain the Study Team and expand it’s membership?</p> <p><u>Member Hieronymus</u>: We expand the HP Study Team to include members of affected organizations that have expressed interested.</p> <p><u>Chair Dempsey</u>: Do we vote or first, second, or?</p> <p><u>Ms. Day</u>: So, Fleta, are you in a position to restate that motion in terms that you’re moving to recommending to Town Council that they accept the 90-day extension and accept the HP Study Team’s recommendation about the composition of the Board.</p> <p><u>Vice Chair Nockels</u>: Yes.</p> <p><u>Ms. Day</u>: So that’s your motion. Is there a second to that motion?</p> <p><u>Member Hieronymus</u> seconded the motion. Motion passed 7 –1 with Member Oberlin opposing.</p>
<p><u>6:48:23PM</u></p>	<p>Staff Items</p>	<p>John Olson is invited by Chair Dempsey to discuss some of the Ordinance revisions.</p> <p><u>Mr. Olson</u>: Within the last three months we’ve been working with the legal department and a legal consultant to run through the Ordinance. In this time, there have been few substantive changes. Mainly, it has been reorganized for fluency and clarity. One of the major changes, we looked at economic hardship. We had a hardship section in our original Ordinance and Bob Slentz (Town Attorney) looked at that and he said that he could not understand what it meant. He recommended that we just got rid of that section and come up with a new definition for economic hardship. We redefined economic hardship in the Ordinance</p>

and paralleled this throughout the code. This is in the Voluntary Landmarking Section, in the Demolition Certificate, it's in the New Location Certificate, and it's in the Alteration Certificate areas. It's all in one area; it's not cross-sectioned. It reads in a very fluid way.

Ms. Day: In other words, if you're going through one of the processes you can look at that section of the Ordinance and it stands alone. Yet there are parallels throughout the Ordinance that match so we didn't want to come up with different wording with regard to Landmark Alteration Certificate that was different than Demolition. While the wording is parallel, but it repeats itself for ease of use.

Mr. Olson: This is nice because we could actually print out an entire section for Landmarking, for example, and it would all be within that section. It's not cross-referenced somewhere else. It's all within one article or chapter. Another change is that we took some of the alternatives of demolition out. This was in Section 15.30.220 and 15.30.170. Some of these criteria were redundant and kind of repeated in other criteria. So the two criteria we removed was that the Town purchases the Landmark for it's own use and building around the current Landmark. We went from eight criteria to six. These are stated in the criteria that already exist.

Ms. Day: As far as removing the option that the Town purchases, we thought that was covered under the other criteria "Finding a new owner who is willing and able to preserve the Landmark." So, whether that new owner was the Town or someone else, we thought that was inclusive and didn't need to have a second one that was redundant.

Mr. Olson: We have also added and updated a number of new definitions. We updated "Significant Structure" and "Contributing Building" because those terms are used a lot and there is some overlap there. We also streamlined the process to eliminate opportunities for the Board to delay hearings. There are certain sections from our old Ordinance that had delays for 60-days and we thought that was not something we wanted to do. We don't want to be holding people up so

we removed those from the text. We also created a section for Relocation Certificates. We did this because we determined that relocation is different than an Alteration. Before we were lumping it into an alteration area so we created a new section so there wasn't any confusion. We also defined what a relocation certificate is, which is moving a landmarked structure to a receiving site. I would like everyone, when they get a chance, to get on our website and pull up the old Ordinance and take the new Ordinance that we sent out to you and just go through and compare. You'll find the difference between the old and the new is profound. You'll see the layout is so much easier to read and clearer. I recommend that you do that.

Ms. Day: The content is not significantly different. The organization is significantly different. So again, it was the things that the HP Plan that was adopted suggested occur as part of these Ordinance Amendments that the Study Team and the Staff implemented through the changes. But we also took the liberty and the opportunity, and the legal department was pretty keen on wanting to reorganize the Ordinance so that it was much more user friendly. Staff, I think, appreciates that too because when we're working with applicants it'll be a lot easier to walk them through the code. So again, substantively the old Ordinance incorporates what the HP Plan says to do in the new Ordinance, it's just reorganized.

Mr. Olson: Those are the basic changes that are substantive. We just got the most recent draft back from legal team and believe we have a complete draft. Now we'll take the next step and take direction from Town Council next Tuesday.

Chair Dempsey: Those changes you just listed, do you have them electronically so you could email them to us?

Mr. Olson: Yes, I believe we emailed them.

Ms. Day: Are you suggesting what John just verbally outlined?

Chair Dempsey: Yes

Mr. Olson: Oh, I'm sorry. I can have Erin email those.

<p><u>7:07:57PM</u></p>	<p>Discussion Action Items Board Member Items</p>	<p>Discussion Action Items: None.</p> <p><u>Vice Chair Nockels:</u> Do we have an update on the Masonic Building? Is it going to be sold or preserved?</p> <p><u>Mr. Olson:</u> the owner has come in to talk to me. He wants to figure out a way to work with private interest groups to renovate the building. They don't want to sell it but right now they just don't have any funding to renovate the structure. He said that it is falling apart and the roof is in really bad shape and that is the first thing that needs to get fixed because there is a lot of water damage that is happening in the building. I have not talked to him in a couple of months; I do not know what direction they are taking at this point.</p> <p><u>Vice Chair Nockels:</u> I think it is something we should be following as a Preservation Board. Both the Masonic Temple and with the City Hotel. They may be landmarked but they could slowly disintegrate too until it is not worth repair. There should be some kind of oversight that we could be doing or we should be actively pursuing some alternative funding sources. I know the Masons have tried to find alternative funding but apparently that has not worked. Another thing that people have brought up with me, as a part of preserving important things in Castle Rock's past, is the potential name change of the remaining part of Miller Boulevard. The whole "schemer" was Miller Boulevard at first out of the philanthropy of Phil Miller and then half of it turned into the real estate name of Plum Creek Boulevard and now with the additional road building it's rooted about that the whole thing will turn into Plum Creek Boulevard. That would take away the way we honor Phil Miller. Is there an action the Board might take in regards to that or does it want to?</p> <p><u>Ms. Day:</u> I think that Council already took that action to change the name to Plum Creek Boulevard. I think there was some discussion that it would be appropriate to name something else after Phillip Miller but I do not know if that part has happened yet. We can check in on that and get back to you.</p>

		<p><u>Chair Dempsey:</u> So it is already a done deal?</p> <p><u>Ms. Day:</u> Yes. Council already changed that on both sides Seeker and Swacker.</p> <p>(Someone speaking from audience...it is inaudible)</p> <p><u>Vice Chair Nockels:</u> So we just tossed Phil Miller's name out.</p> <p>(More comments from the audience. It is inaudible)</p> <p><u>Ms. Day:</u> I think that part of the reason that the Council felt that it was appropriate to change the name was from an Economic Development standpoint. When you're talking about a highway interchange. We all know as we drive through Denver that you hit Arapahoe, you hit Belleview, you hit Hampden, those are recognizable. So from the Town's perspective it's important from an economic development standpoint that the Plum Creek Interchange be consistent on both sides of the highway and want that continuity in terms of road naming so that people for way finding can figure out where they are going.</p> <p><u>Vice Chair Nockels:</u> So the original mistake was made when it was switched in the first place way back when the Plum Creek Development started.</p> <p><u>Chair Dempsey:</u> Any other items?</p>
<p><u>7:01:17PM</u></p>	<p>Items from Staff</p>	<p>Land Use From A to Z Video: Public Meetings</p> <p><u>Ms. Day:</u> Maybe tonight or at your next meeting if you would like the Town Attorney to come and talk to you about what your roles are as Board members and how you should be making sure that you're conducting your public hearing appropriately. We could do that or we can talk to you a little bit about that more tonight after the video.</p> <p><u>Mr. Olson:</u> I also will be following up with the Board on possible training as far as holding public meetings. CLG has training once or twice a year. I'll be looking into that more in the future.</p> <p>(Watch video)</p>

Ms. Day: We want to offer to you that we can have the Town Attorney come and chat with you. The function this Board plays is a very important function in the Town and I know that you all take your job very seriously. As outlined in the video, it's very important that you follow public hearing protocol and have that opportunity to be heard because if anyone were to appeal your decisions up to the Courts, then the Courts going to be revealing the transcripts of the meeting, minutes of the meeting, record of the meeting, in terms of staff reports and everything else. Unfortunately that only becomes a major issue if it gets called up in terms of legal action, but just a matter of good practice, and I think the Board is always very considerate of making sure that everyone in the audience has an opportunity to be heard. There is some formality to how you go about that and how you call people up and letting people rebut testimony and that kind of thing. Hopefully we can continue to work with you on those kinds of things so that if you ever have a real dicey controversial one you guys are ready to handle that. Any questions or comments from the Board?

(Inaudible comments)

Ms. Day: And we can put together some cheat sheets for you too. I think the Planning Commission has a pretty good outline to follow in terms of how they go about their public hearing. We'd be happy to give you some help and guidance but definitely next time you have a public hearing we'll make sure that we've prepped you for that.

Chair Dempsey: One thing before we close, we've been getting later and later starting this meeting. Next time, can we try to get in here before six so we can start on time?

Vice Chair Nockels: They had a scheduled meeting right before this meeting.

Chair Dempsey: It wasn't just today. We've started late the last 3 or 4 meetings.

7:25:48PM

Motion to Adjourn

Vice Chair Nockels motioned to adjourn the meeting. Seconded by a Chair Dempsey.

Minutes approved by the Historic Preservation Board on March 4, 2009, by a vote of _____ in favor of, _____ opposed, with _____ abstention(s).

Shawn Dempsey
Historic Preservation Board Chair

Historic Preservation Board Minutes
February 4, 2009