

Special Meeting of the Town of Jerome
DESIGN REVIEW BOARD
Thursday, February 09, 2023, 6:00 pm
At 600 Clark Street
MINUTES

6:00 (0:01) Item 1: Call to order/Roll Call

Chair Brice Wood called the meeting to order at 6:00 p.m.

Deputy Clerk Kristen Muenz called the roll. Present were Chair Brice Wood, Vice Chair Tyler Christensen, Board members John McDonald, Mimi Romberger and Carol Wittner

Staff present included Zoning Administrator Will Blodgett, Deputy Clerk Kristen Muenz, and Building Inspector Barry Wolstencroft.

Members of the public present included contractor Mac Brennan, Mark Krmpotich, Council member Sage Harvey, Chuck Romberger, Bryan Goodwin and Lizabeth Lord, Nancy Robinson, and Jera Peterson.

For the convenience of those present, it was decided to reorder the items so that Item #5: approval for new signage, would take place after item #3, approval of minutes. The items are presented here in their original order.

6:01 (1:14) Item 2: Petitions from the public – There were no petitions from the public.**Possible Direction to Staff**

Chair Wood said that it has been suggested, and he believed it to be a good idea, to reorder the items to put the sign application first, prior to the Executive Session.

Zoning Administrator Will Blodgett explained that Town attorney Bill Sims is on stand-by, but we will only hold an Executive Session if requested because he felt it may not be necessary.

6:02 (2:05) Item 3: Approval of Minutes: Minutes from the regular meeting of Tuesday, January 24, 2023.**Discussion/Possible Action**

Mr. Wood said that Ms. Muenz had done good job transcribing and he would like to move to approve the minutes as presented.

Motion to approve the minutes from the regular meeting of Tuesday, January 24, 2023

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD		X	X			
ROMBERGER			X			
WITTNER			X			
WOOD	X		X			

Continued Items/Old Business:**6:02 (2:48) Item 4: Executive Session with Town Attorney**

As stated in Item #2, Mr. Blodgett had explained that an Executive Session may not be necessary. As there was no motion to enter an Executive Session, one was not held and the meeting proceeding to Item #5.

6:02 (2:50) Item 5: Seeking Approval for new Signage

Applicant/Owner: Lizabeth Lord / Flagg Properties

Zone: C-1

Address: 405 Hull Avenue

APN: 401-06-020

Applicant is seeking approval to install a new projecting-hanging sign for the opening of their new business.

Discussion/Possible Action

Mr. Blodgett briefly introduce the item, which had been previously tabled due to a specific question. He explained that the applicant was present, and asked permission to turn the microphone over to him.

Bryan Goodwin introduced himself and asked if the question was about the vinyl decal.

Vice Chair Christensen confirmed that he had a question as to the specifics of how it would be laid out. It looked like it would be a single word, with one capital letter, but the word would be going over two windows. He said he wondered what it would like and if they were going to split it up.

Mr. Goodwin said he had a graphic designer that has made it to split up. Mr. Goodwin passed a picture to the board so that they could view the planned design.

The board members passed the picture around to be sure everyone viewed it.

Mr. Christensen said that small detail was all we needed after first seeing the application a few weeks ago, and with that clarification he would like to motion to approve the application as presented.

Board member Carol Wittner seconded the motion, and it was passed unanimously.

Motion to approve application for new signage at 405 Hull Avenue

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD			X			

6:04 (4:56) Item 6: Seeking Approval for Demolition permit for the historic "Tamale Lady's House".

Applicant/Owner: Crested Construction / McWhirter Robert James & Huerta Maria Regina Trust.

Zone: R1-5

Address: 21 North Drive

APN: 401-11-008

Applicant is seeking approval to demolish the house at 21 North Drive.

Discussion/Possible Action

Mr. Blodgett introduced Item #6 and said he would like to take the opportunity to explain some of the context through which his decision making is occurring. Mr. Blodgett then read his analysis, which included the application, the current state of the building, and the homeowner's intention, which is to rebuild on the site, with a reminder the future intentions are not applicable to the current item. He said he found a digital copy in the Historic Society's building inventory with 2 pages, which he included in his analysis, but added that he will continue to seek further information. His understanding is that the property was built in 1938, but there is potentially an earlier structure that was repurposed in the construction. Historic record points out there is a basement, making him wonder if there was an older building on the same footprint. Mr. Blodgett then covered some federal regulations and historic preservation laws. He summed up the effects of being designated as a historic landmark and he explained that a private property that is contributing to a landmark status does not prohibit any actions that might otherwise be taken by the property owner. Mr. Blodgett read the definition for the term "protection," which includes a local review process for proposed demolition, changes, or other actions that may affect historic property. The protection is the review process; a permit is not just handed over, we discuss it and look at alternatives and feasibility. The protection process is administered by the Historic Preservation Commission, which is the Design Review Board. Mr. Blodgett clarified that the board is the protection, the review process; this meeting, and our discussion, is the definition of the protection that historic status offers. This is important because, as a certified local government, we have a Historic Preservation Officer; Mr. Blodgett said that was himself. SHPO is there to help him with projects if he needs them, but he said a lot of the review process is done in-house. We are doing all the legal protections and considerations according to these laws as we are required to do. Mr. Blodgett said that the reason he asked for a special meeting is that he is deeply concerned about liability in the interim. Mr. Blodgett reminded the board that at the last meeting, there was a request for a letter from Fire Chief Blair, which was included in the packet, and Building Inspector Barry Wolstencroft. Mr. Wolstencroft was present at the meeting. Mr. Blodgett also included additional photographs taken of the interior of the building, which he accessed with Mr. Wolstencroft and the contractor, Mac Brennan, and he feels we are ready to answer questions. He said that his recommendation and opinion is that this house is a significant potential danger. We are past the point of a reasonable rehabilitation; and reasonable is the key word. We cannot force anyone to do anything that is unreasonable. He reminded everyone that Arizona is a Prop 207 state, which heavily protects private property rights.

(15:30) Mr. Christensen, looking at the historic property survey, said that in 2006 or 2007, when the building was no longer inhabited, the structure was deemed to be poor: major problems, imminent threat. The description included roofing, framing, exposure to elements, raised porch steps, chimney flue cap missing, amongst other items. Mr. Christensen said that was 17 years ago and, as of today, if we were to redo this survey, we could probably say it is uninhabitable.

Mr. Blodgett wished for everyone to understand that even if this house were to be demolished, we will be heavily updating the historic property inventory and he intends to be involved with the process so that he can glean additional data. This will not be the final update to the historic properties survey, we will get as much usable information as we can. He said that is his ethical obligation as the Historic Preservation Officer.

Mr. Christensen asked about a blank area for the opinion of SHPO staff on recommendation for historic register and wanted to know if SHPO was involved.

Mr. Blodgett explained that this was only the town's historic record. The state keeps its archaeology records as sight cards, and he does not have access to them yet, but he is hoping to create a record. He said that the public is not given access, in part for the integrity and security of the records, so he may need to travel to Tucson as there may be more data from SHPO that we are not aware of yet.

Mr. Wood thanked Mr. Blodgett for including items that he did not expect, including an article from a blog. He said it raises an issue that he is glad to see in print; Article 9 of the demolition code. He said that when Anne Basset was on the board, she would talk about demolition by neglect. He thought it was an interesting idea but did not imagine it was in anybody's code; but here it is. He would like to talk to the attorney about adding language we don't currently have in our code.

Mr. Blodgett replied that we do have some code deficiencies which we will explore at a later time.

Mr. Wood repeated that he thinks it is an interesting idea and if our task is preservation, this would be a great tool. Not saying that it applies to our current situation but perhaps the current situation can kick-start an interest in this activity.

Mr. Blodgett pointed out that in his letter, Chief Blair had included a list of other problematic properties. He said that once we are past this, we will start discussing this and be proactive. He said he does not want any of us to find ourselves in this situation again if we can avoid it. We will start being proactive and see what help is available; there are grants and other help at the federal level to explore. We want to avoid this situation or even worse, like the Cuban Queen falling over.

Mr. Wood said he would like to thank Rusty Blair for his input, and he is particularly impressed with his list. Because it is the dilemma we are in; how do you make this decision? He thanked Barry Wolstencroft for joining the meeting and said this [to Barry] is a situation you face every time you walk down the street. A question for the future is how are we going to address this large list of problems that are similar to the one we are discussing? He said he was interested in what Chief Blair had written, and there are several ways to approach them. Mr. Wood said he does not

want to just repeat himself, but in 1979 he and his wife bought the Rosie Salas house and kept it from falling down. That was his accomplishment there: it got a roof, it got a foundation, the vegetation did not take over and the building was saved. Also, he has a question about a timeline. Mr. Wood said that in the North Carolina case, they gave it a full year. In our code, we have 180 days to make this decision.

Mr. Blodgett confirmed that 6 months is the maximum delay to make a decision under the Town's code.

(23:07) Referencing Mr. Blodgett's earlier point about asking for a special meeting so soon, Mr. Christensen said that when we postpone a demolition, if something happens to that structure, the town can be liable.

Mr. Blodgett confirmed that we have the potential for significant liability.

Mr. Christensen also thanked Chief Blair for his letter. He said there was a lot of "legalese" but not an in-reality explanation of a scenario playing out. Mr. Christensen said that he was on the Fire Department for a couple of years previously and was Firefighter 1 and 2 certified, so he has some experience. He gave the example of a Best/Worst case scenario. Say someone, perhaps a kid or someone else who enters the house, starts a fire. In the best-case scenario, the Fire Department is doing a Thursday evening training exercise right there on that street and personnel, already in turnouts, could be on site immediately. If he were among the firefighters on site and the building went up, even if he did not know the building and was just looking at it, he wouldn't enter that building. Mr. Christensen explained that, as firefighters, we have 2 responsibilities: preservation of life and preservation of property. Life comes before property. If there was someone in there, a firefighter would want to save that person, but you don't want 2 dead people. He would not enter that structure knowing it is not safe. Firefighters entering that building carrying heavy equipment could easily fall through the floor and be trapped and you could have multiple deaths.

In addition, Mr. Blodgett pointed out that even the pressure of our hoses might be too much for some of the structural parts of the building at this stage.

(25:17) Mr. Christensen continued by saying that even in a best-case scenario, if we responded immediately, the house would probably go up in 10 minutes in a full blaze. The Fire Department would not enter that structure, it is not safe. At that point, their task would be to save surrounding structures, but due to the amount of vegetation, that would be difficult. He said that is a good, "in-reality," description of the fire hazard.

Mr. Blodgett agreed it was a good description and added it was serious. He asked if the board would like to hear from the building inspector. Building Inspector Barry Wolstencroft was invited to speak. Mr. Wolstencroft said there is a big liability. If kids were like I was, we'd be in there every day and probably would have burned it down by now.

Mr. Christensen shared an anecdote about lighting a Christmas tree on fire when he was young.

Mr. Wolstencroft said that if something were to happen in that house, we've all known about it, he has known about it for years. We have deeper pockets than anyone else and the parents of the kids would come after us. We know there's a problem there, we know that building is a hazard. If you fence it off, does anyone want to look at fence for the next 20 years? To what end? Mr. Wolstencroft added there are rats in the place. We are probably 15 years too late to save it; it is not economically feasible to save it. He said that Candace Gallagher [retired town manager] had asked about putting a roof on it 9 months ago. You would not get a roofing company willing to stand on that roof. You have to worry about the trusses, and the frame holding up the trusses, and the floor. Is there a foundation? You can't use the old rocks, so he would say you have to have Engineering. You would have taken a \$250,000 project and turned it into a half-million-dollar project. If the Town of Jerome wants to preserve these things, we've got to be ahead of the curve. He said he can think of a few places right now that need attention: Davenport house on Hampshire, the chimney on the roof right above us. About the chimney, Mr. Wolstencroft said that everyone loves to see it, but one day, it is going to come down. So, it is a great idea [to save buildings], but we need to stay ahead of the curve instead waiting until the 9th inning.

Mr. Blodgett said he refers to it as historical triage. He loves history; it is why he does what he does, and having to make decisions to watch history get destroyed is never a happy solution. He has spent most of his career as a private sector archaeologist watching the controlled demolition of both historic and prehistoric sites and so, after a while, it makes you wonder, 'what am I doing?' Mr. Blodgett said that he loves his role here because he has the opportunity to save things. We are not going to be able to save everything, but we are going to try to save what we reasonably can. Some of these things were not built to last as long as they already have; that is the other thing that is shocking. But we are going to do what we can, with the resources we have, to save what we can. The result that he believes we will get, which he reminded everyone will be a separate application that will come up at a later time, will be to see best possible outcome given the situation we are in now. If we allow the homeowner to proceed with first mitigating their liability and getting the ground ready, he believes we will be pleasantly surprised with the outcome. Mr. Blodgett said that what we must concern ourselves with for the time-being is the demolition permit, because even if the property owners decided they want to remove or mitigate the liability from the property and themselves, they would have every right to apply for and get a demolition permit simply to remove the life, safety, and fire threat. They could do that even if their intention was not to rebuild, and he asked that we keep that in mind.

Mr. Wood said that he does understand the fire question, but it also struck him that there is dry grass and if a fire were to start, the grass would allow it to spread. He asked if that has been mitigated?

Mr. Blodgett replied that a crew had been doing some work, but that question could be better answered by the contractor. He invited Mac Brennan to speak.

Mr. Brennan, general contractor, approached the dais and introduced himself. In reply to Mr. Wood, he said they have put up a fence and done minor clean up. He said that somebody has been breaking in and at this point, stuff is being taken, so he has to make sure he records everything. Like he has done in the past, he might have to get law enforcement involved. At this point, the structure has not fallen in and some of the materials are reusable, some of the floor can be reused and possibly some old windows. Most of the structure is dry rotted, it has been way too long. Structurally, they used 2x4's every 4 feet, that is what the sheeting is screwed to, and they are black with rot. He said the upstairs is scary, it makes him nervous, and he does not usually get nervous, but it is structurally completely unsound. The foundation is broken and cracked; the floors joists are sitting on dirt. Mr. Brennan said that unfortunately it has been like that for far too long. At this point, the best thing we can do is a slow-paced process demo and try to utilize what we can out of the project to incorporate into a new structure.

Mr. Christensen commented that is also the best way to document what is there.

Mr. Blodgett added that during the dismantling process, he is going to allow him to come in to photograph and document and use his archaeology

experience.

Mr. Christensen thanked Mac Brennan and said he had question for Scott Hudson. He read a portion of the packet pertaining to the federal regulations from the Secretary of the Interior standards on placing markers at places of historic significance. He asked Mr. Hudson, since you are representing the Jerome Historical Society, are you having any involvement in this project?

Mr. Hudson replied that his involvement so far was that he had gone to look at the property with Will Blodgett. He said he was not able to go inside, so he cannot give his opinion as to the stability of the structure.

Mr. Christensen said his questioned pertained to a marker of plaque to commemorate a place of historical significance and asked if that was in the works.

Mr. Hudson answered that they talked about it today and they would be being willing to participate.

Mr. Christensen said he felt it would be fitting for this property.

Mr. Hudson said that their archivist has photographed it and they would definitely be willing to be involved.

Mr. Blodgett interjected that he wanted to give the Historic Society credit because they were working hand in hand with him and were involved with data sharing. Mr. Blodgett said he would keep Mr. Hudson updated and the Society's records and archives updated with the information he gleans.

Mr. Christensen thanked Mr. Hudson.

Mac Brennan added that the property is still owned by original family.

Chair Wood invited members of the public to speak.

Jerome resident Jera Peterson said that she lives across the street, and she would like to know that we are going to preserve and not just demolish. She said even the yard has the area where they cooked tortillas and we need to preserve this.

Mr. Christensen responded that he comment was very heartfelt, and this is a very hard subject for a lot of people in town, a lot of people are heartbroken to see us in the situation we are in. We are doing everything we can to do our due diligence in this process.

Ms. Peterson said that in California, you have historic landmark rules, even if it is private and you own it, you have rules that you have to preserve some part of that. She said she would like to see at least some part of the yard and gardens. Ms. Peterson expressed that, though she knows it is private property, it is a part of Jerome and Jerome need to take responsibility for preserving because we are a historic landmark. She apologized for getting emotional.

Mr. Wood thanked Ms. Peterson and said he would like to point out that this board in other towns is call historic preservation board, though it's exactly the same composition, rules, and book. So, we also have that name and are supposed to be in the business of historic preservation. We exist because [the town] is a National Hist Monument, we are under the Interior as well as the state historic preservation office. So, there are several levels above us that we must satisfy.

Jerome resident Nancy Robinson said that she is into preservation and saving, however, she was always taught safety first. As a resident, she said she was scared every time there is a windstorm, because she immediately thinks of anyone that lives in that area and all the metal that is flopping on the roof. She said they live on Clark Street, and stuff goes flying down the street all the time, garbage can lids and the like. Ms. Robinson said that house is extremely dangerous so please remember safety first.

Ms. Peterson said that, as a neighbor, she has been watching it to make sure people don't go inside.

Board member Carol Wittner wanted to say that it is really hard, and she gets emotional about it too. She moved here 1975, and has watched this house fall apart which is really a tragedy. She said she personally knows of a couple of people who tried to buy it so that they could preserve it. She said she feels like it is hard to sit here and feel like we have no choice. The liability that is hanging over the town and us makes it a hard thing to decide on. Ms. Wittner said she does not want to say, 'yeah, let's tear it down.' She said she hates that idea, but she understands because she has walked down and seen it and knows what bad shape it is in.

Mr. Blodgett suggested that we rephrase it in our minds and not think of tearing it down, but think of it as letting the property owner's descendants use the property in a way they would choose to. Keep life safety first and foremost in our minds, and do our best to preserve the rest of what we can of our town.

Ms. Wittner said she has a building on Main Street and when she bought it, it was condemned. She was assured it could be dismantled safely on the site, and it collapsed when they were trying to take it apart. She said she rebuilt it exactly as it stood to look like it did from the front. Ms. Wittner said she knows that we cannot ask these people to rebuild the house the way it looks now. But she wanted to say that she feels really bad; when she said it was heartbreaking, it is. We all knew the Tamale Ladies and what they did, how important they were, and the mark they left on this town. They will get left a plaque if we say yes, but she said she hates being a part of that.

Mr. Blodgett wanted to explain that he may come off as cold or seemingly detached about this, but that is only because he has been doing this for 20 years professionally. He has watched a lot of heartbreaking things get destroyed. It is never easy, and it never gets easier. Mr. Blodgett said he is sorry the board is being faced with this decision. He said that his recommendation is unfortunately the right decision.

Board member Mimi Romberger said the extra information in the packets was very good. She said she read it 3 times, trying to understand the safety issues versus preservation. Ms. Romberger said this is a really hard one, and she is fairly new to town but learning the history of the town is so important for us and to keep that history alive. She said she hopes it is going to be more than a plaque, she is praying that they build the house.

Mr. Blodgett said that if we look past the tragedy, one of the greatest things we can do to commemorate their memory, and he interjected that he did not know them so it is hard for him to say, but one of the best things he thinks we can do is to allow them to rejoin our town. To have a home here that they can use, bring their grandkids here and keep Jerome alive. He said we are not just a historic landmark, we are not just a museum town, we are a living town, and we want to continue to stay alive and grow and to manage our history while we do that. This is an eye-opening experience, but he thinks that if we are proactive, and start having discussions soon, he thinks we can save a lot more.

Mr. Christensen said, well put.

Ms. Romberger added special thanks to the Fire Chief for putting that list together. She said she was surprised at the list and went online to look at some of them that she has not seen yet. She was glad he put the list together and said maybe we can get in front of some of these.

Mr. Wood said that this is one of the dilemmas of our town; every masonry building in Jerome would be condemned in another place as uninhabitable. He said it is a funny line, a funny balance, that he thinks we must take, and his hope is that before we proceed any farther, we get the record Mr. Blodgett spoke of. Measurements, photographs, measure drawings, lists of materials. Also, he really hopes the owner can see to clearing the brush off the property because it is a hazard as it stands. Mr. Wood said he would like to give some time for that to happen and revisit it again.

Mr. Blodgett suggested considering an Executive Session.

Mr. Christensen said that he would like to make a motion to approve and grant the permit for demolition.

Board member John McDonald seconded the motion, and with no further discussion, the vote was taken. The motion passed.

Mr. Blodgett thanked the board and repeated that he knows how difficult the decision was to make.

Mr. Brennan also thanked the board, and Ms. Wittner thanked everyone for all the work they have put in.

Motion to approve demolition permit for 21 North Drive

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD		X	X			
ROMBERGER			X			
WITTNER						X
WOOD				X		

New Business:

No items

Meeting Updates:

6:46 (46:26) Item 7: Updates of recent and upcoming meetings

- February 14 regular Council meeting- To be held.
- February 21st regular meeting of Planning & Zoning Commission – To be held.

6:47 (47:00) Item 8: Future DRB Agenda Items for Tuesday, February 28, 2023: TBD

Mr. Wood asked if there were any completed application to joint the board to add for the meeting on the 28th.

Mr. Blodgett answered that there were not any completed applications yet.

Item 9: Adjourn

Motion to adjourn 6:47 p.m.

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD			X			
ROMBERGER			X			
WITTNER			X			
WOOD		X	X			

Approved: Brice Wood Date: 3-28-23
 Brice Wood, Design Review Board Chair

Attest: Kristen Muenz Date: 3/28/2023
 Kristen Muenz, Deputy Town Clerk