

Brighton Historic Preservation Commission

City Hall, 500 S. 4th Ave., 1st Floor, Council Chambers, Brighton, CO 80601

Meeting Agenda

Date: February 16, 2023 - 6:00 P.M.



BRIGHTON HISTORIC PRESERVATION COMMISSION

500 S. 4TH Avenue
Brighton, CO 80601
303-655-2042

jkowalenko@brightonco.gov

Chairperson:

Sage Naumann

Vice-Chair:

Mardita Murphy

Secretary/Treasurer:

Commissioners:

*Valerie Cooper
Dick Hodge
ToniJean Kile
Jo Pinto*

City Council

Representatives:

*Ann Taddeo
Jan Pawlowski - Alternate*

Youth Commission

Representative:

Diana Hernandez

Alternate:

*Amber Robbins
Katherine (Kat) Lewis*

City Admin. Assistant:

*Jordan Kowalenko
Sheryl Johnson*

City Staff:

*Emma Lane
Shannon McDowell
Bill Armstrong - Museum*

- | | |
|---|--------------------------|
| I. CALL TO ORDER / PLEDGE OF ALLEGIANCE | Sage Naumann |
| II. ROLL CALL | Jordan Kowalenko |
| III. SEATING OF ALTERNATES | Sage Naumann |
| IV. APPROVAL OF AGENDA | Sage Naumann |
| V. APPROVAL OF MINUTES FOR JANUARY 19, 2023 | Sage Naumann |
| VI. CONSENT AGENDA | Sage Naumann |
| VII. PUBLIC COMMENT
Public invited to be heard on matters not on the agenda (Limited to 5 minutes) | |
| VIII. REPORTS / PRESENTATIONS
<u>Committees:</u>

<u>Staff:</u>
Staff Report | Emma Lane/Bill Armstrong |
| IX. UNFINISHED BUSINESS
Vote on Goals Previously Identified | Shannon McDowell |
| Gala Discussion
• HPC Month Celebrations | Sage Naumann |
| X. NEW BUSINESS
HPC Amended Bylaws | Emma Lane |
| HPC Identify Items for Next Meeting | Emma Lane |
| XI. ADDITIONAL COMMENTS | Sage Naumann |
| XII. ANNOUNCEMENTS
• State of the City – April 5, 2023 – 11:30 am – 1:30 pm at the Armory | |
| XIII. ADJOURNMENT | Sage Naumann |

NEXT MEETING

March 16, 2023



500 S. 4th Avenue, Brighton, CO 80601

MINUTES of the Brighton Historic Preservation Commission meeting for the City of Brighton, Adams County, Colorado, held in Council Chambers on the 1st Floor at City Hall, 500 South 4th Avenue, Brighton, Colorado.

DATE: January 19, 2023

Call to Order/Pledge of Allegiance: Chairman Naumann called the meeting to order at 6:11 p.m. followed by the recital of the pledge of allegiance.

Roll Call/Establish Quorum: Commissioners Present: Valerie Cooper, ToniJean Kile, Katherine Lewis, Mardita Murphy, Sage Naumann, Amber Robbins, and Ann Taddeo

Commissioners Absent: Jo Pinto, Dick Hodge (**Excused**), Diana Hernandez

A quorum was determined.

Staff Present: Emma Lane, Shannon McDowell, Bill Armstrong, Jordan Kowalenko, Sheryl Johnson, and Natalie Hoel

Others Present: Greg Stratton, Dawn Stratton, Brian Kile, Cade Easton, Lacey Easton, and Loganne Easton

Swearing In of ToniJean Kile- Ms. Natalie Hoel swore in Ms. ToniJean Kile

Approval of Agenda:

Motion to approve the agenda as written by Commissioner Cooper. Second by Commissioner Kile. Motion Carries.

Approval of Minutes for December 8, 2023:

Motion to approve the minutes for December 8, 2023, as distributed by Commissioner Lewis. Second by Commissioner Cooper. Motion Carries.

Consent Agenda:

No Consent Agenda Items

Public Comment:

No Public Comments

Public Hearing:

No Public Hearing

Reports / Presentations

Committees:

No Committee Reports

Staff – Emma Lane

Grants & Surveys:

Cannery-

The Cannery is located at 238 N. Main Street. Staff is writing a grant for a Historic Structure. There could be a potential development with this property. The Cannery is on the National Register of Historic Properties. The building could potentially have an event center and a brewery. Ms. Lane is still working with the owner.

Historic Properties and Referrals:***402 S. 2nd Avenue:***

Goes to City Council for a second reading once there is more information about insurance available.

245 S. 8th Avenue:

Commissioner Hodge has completed the research for the house. Ms. Lane is compiling the information into the 1403 form and the next step will be to talk to the homeowners.

Other Business:***Preservation Plan:***

Staff and the Commission will begin working on the Preservation Plan soon. Ms. Lane invited Commissioners to begin to think about what their priorities are for this survey/plan.

Staff – Bill Armstrong**Museum Updates:*****Engagement & Marketing:***

Visitors – 896 total for 2022

Children – 1; Adult – 7; Senior – 11; and Event – 137

Visitors- 156 total for December

Research Requests – 2

Facebook/Instagram –

Five posts went out on Wednesday at noon. The posts reached 3589 on Facebook and 3 on Instagram. Followers on Instagram are at 370 and on Facebook there are 1,383 followers.

Collection:

The backlog is being processed into the collection. Files are being updated in Past Perfect. Large donation of clocks and cameras were accepted.

Volunteers:

Year to date volunteer hours is at 1,008.

Exhibit & Interpretation/Outreach/Education:

New exhibits being planned for 2023- “First Families, First Homes” and “Cabinet of Curiosities” to be located on the 2nd floor. Pioneer Cemetery has been added as a museum interpretative site. Trapper Encampment and the Armory Commemoration weekend events in the works as well as the re-established holiday open house.

Funding:

\$500 grant received from Colorado/Wyoming Association of Museums. The museum also received \$300 in unsolicited donations.

Expansion:

Relocated all archives and collections to dedicated storage in Suite 205. No further updates.

Commissioner Workshops/Seminars Update:

The Saving Places Conference details such as transportation were openly discussed.

Unfinished Business:

Review of Goals Identified on 12/08/22- Ms. McDowell provided past years goals and committee objectives for the Commissioners to review. There was further discussion on the filing of the roles and objectives.

New Business:

HPC 101 Sessions - Ms. Lane provided information and suggestions for an informal small group or individual opportunity for Commissioners to learn the basics of the Commission through a presentation provided by Staff. Commissioners and

Staff decided that an email with potential meeting dates and times will need to be created if there is an interest in this opportunity.

Gala Discussion- Commissioners had an open conversation about the Gala and the various roles and responsibilities. Commissioners will discuss further in future meetings.

HPC Month Celebrations- Ms. McDowell suggested that the Commissioners continue to do the Proclamation for May. Commissioners had an open conversation about HPC month possible events. Ms. Lane suggested that the Commissioners could continue to participate in the Brick Awards if it is of any interest. Staff and Commissioners discussed the walking tours that have taken place in the past and determined that it might be a good option as well.

HPC Identify Items for Next Meeting- Commissioners and staff determined that at the next meeting, the following topics will need to be reviewed. The Gala will need to be planned further and a date will need to be determined for planning purposes. The Commissioners will need to finalize the goals for the HPC. The Commissioners will need to decide which events are of interest for HPC to plan or participate in.

Watch List Updates- The Staff suggested that the Commissioners begin to think about properties that should be added or removed from the HPC watch list. The Commissioners agreed that this will be a topic for future meetings after some thought has been put into nominations on behalf of the Commission.

Additional Comments:

Commissioner Naumann inquired about a tax credit fund for homeowners interested and able to participate in Historic Preservation to encourage more citizens to participate. Commissioner Murphy suggested that staff and HPC investigate Louisville as an example of this type of program. The Staff and Commission engaged in an open conversation about a program to encourage more participation from citizens.

Adjournment:

Motion to adjourn at 07:08 p.m. by Commissioner Naumann.

Announcements:

CLG Training Webinars –

- Saving Places “On the Road” – August 2023 – more details to come

Other Events –

- State of the City – April 5, 2023 – Armory – 11:30 am- 1:30 pm

Next Meeting:

February 16, 2023

Submitted by,
Jordan Kowalenko



STAFF REPORT

Monthly report on staff activity related to and involving Historic Preservation items.

Date Prepared: 2/3/2023

Date Presented: 2/16/2023

Prepared By: Emma Lane, Senior Planner – Historic Preservation

Location: City Hall, 500 S 4th Ave, Brighton, CO 80601

STAFF REPORT

GRANTS & SURVEYS:

- **Cannery**
 - Staff has submitted a HSA grant for the Cannery
 - Should hear back in 4-6 weeks

HISTORIC PROPERTIES AND REFERRALS:

- **402 S 2nd Ave**
 - Sage's house will be going to City Council for a second reading once we have more information on insurance.
- **245 S 8th Ave**
 - Dick has completed the research for the house. I am compiling the information into the 1403 form and the next steps are to talk to the owners.

OTHER BUSINESS:

- **Preservation Plan**
 - Staff will begin updating the preservation/survey plan soon. Please start thinking about your priorities and what you would like to be included in the plan.

MUSEUM UPDATES:

- **Engagement and Marketing**
 - **Visitors:**
 - Children - 1
 - Adult - 5
 - Senior - 3
 - Event – 0
 - **Research Requests:**
 - 2 research requests
 - **Facebook/Instagram:**
 - 3 posts – Wednesday at 12:00 MST
 - Reach of posts
 - Facebook – 1085

- Instagram - 5
 - Followers
 - Facebook – 1383
 - Instagram – 376
- **Collection**
 - New artifacts added to collection
 - Training program from PastPerfect 5
 - Oral history equipment and training program being created
- **Volunteers**
 - 34 volunteer hours YTD
- **Exhibit & Interpretation/Outreach/Education**
 - Pioneer Cemetery interpretive documents being created
 - “Cabinet of Curiosities” being built on 2nd floor of HCH
 - Possible new exhibit – National Military Museum of the Rockies
 - Chamber to co-host: First Fridays
- **Funding**
 - BTLAC grant has been passed back to the BCAC
- **Expansion**
 - No update



BRIGHTON
HISTORIC
PRESERVATION
COMMISSION

2023 GOALS & STRATEGIES

GOALS

- 1. Receive training on historic preservation topics**
- 2. Develop resources for owners of historic properties**
- 3. Communicate Brighton's history**
- 4. Encourage designation of historic structures on the national/state/local registers**
- 5. Continue fundraising efforts**
- 6. Develop relationships with like organizations**

STRATEGIES

COLLECTIONS COMMITTEE

- Collect targeted oral histories to convey specific periods of Brighton's history
- Publish oral histories in an easily accessible format

EVENTS COMMITTEE

- Hold the best Gala so far!
- Establish relationships with nearby history organizations for cross promotion of events and sharing of information

OUTREACH COMMITTEE

- Develop lists of contractors, insurance agencies, and other resources to aid owners of historic properties maintain and improve the structure
- Develop helpful guidance for researching property history
- Reduce barriers to designation
- Develop outreach on the benefits of National Register of Historic Places designation

BYLAWS OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BRIGHTON, COLORADO

I. ENABLING AUTHORITY; PURPOSE; AND MATTERS ENTRUSTED TO THE COMMISSION

Pursuant to Section 2-66-30(b), of the Brighton Municipal Code, the City of Brighton Historic Preservation Commission (the “Commission”) is authorized to adopt Bylaws and rules of procedure that shall govern the transaction of its business.

Accordingly, Article 2-66. Historic Preservation Commission, ~~Article 17-52~~ **Land Use & Development Code (“LUDC”) Section 10.03** Historic Preservation, **as amended from time to time**, and these Bylaws adopted in accordance therewith, shall govern the procedure of the Commission with respect to all matters entrusted to the Commission by the Brighton Municipal Code, ordinances, and resolutions of the City Council of City of Brighton.

Such matters entrusted to the Commission include but are not limited to the following:

1. To designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City’s cultural, artistic, social, economic, ethnic, political, architectural, historic or other heritage;
2. To foster civic pride in the character and accomplishments of the past;
3. To stabilize or improve aesthetic and economic vitality and values of such sites, structures, objects, and districts;
4. To protect and enhance the City’s attraction to tourists and visitors, and to increase the quality of life for the citizens and enhance future economic development;
5. To promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City;
6. To promote good urban design;
7. To promote and encourage continued private ownership and utilization of such sites, structures, objects or districts;
8. To create and empower the Board of the Commission (the “Board”) in its administration and enforcement of the City’s historic preservation management program; and
9. To cooperate with state and federal historic preservation efforts as defined by the Bylaws, policies and procedures of the Board.

The Commission shall be governed by and shall act through the Board of Directors of the Commission (the “Board”), which shall have the duty and power to:

1. Establish policies and procedures for the survey and designation of historic properties, landmarks and districts (“historic resources”) and recommend to the City Council, if necessary, appropriate actions relating to such resources specifically, and to historic preservation generally;

2. Recommend to the City Council policies, procedures, criteria, guidelines and standards for the conduct of surveys and inventories of the cultural resources of the City, including identification of historic sites, structures, buildings and districts.
3. Recommend to the City Council policies, procedures, criteria, guidelines and standards to implement the identification, designation and preservation purposes of ~~Article 17-52~~ **LUDC Section 10.03 Historic Preservation**, of the Brighton Municipal Code and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.
4. Recommend to the City Council policies, procedures, criteria, guidelines and standards for granting or denying applications for Certificates of Appropriateness to alter, construct, repair, move or demolish designated historic sites, structures or buildings.
5. Review resources nominated for designation as a historic site or landmark and recommend that the City Council shall either approve, approve with conditions or deny the nomination for designation.
6. On or before January 31 of each year, file a report with the City Clerk setting forth the activities of the Commission for the previous year and on or before November 30 of each year a plan for Historic Preservation Commission action for the following year.
7. To continue the process for the survey and inventory of cultural resources, including buildings, sites, structures and districts within the City for designation of historic landmarks or Historic districts. All surveys shall be conducted in accordance with the policies, procedures, criteria, guidelines and standards approved by the City Council and the Historic Survey Manual produced by the State Historic Preservation Officer. Surveys and inventories of cultural resources shall be for the purpose of defining those of historic significance and setting the priorities for determination of the importance of identified cultural resources.
8.
 - a. The Commission will prepare a City Historic Properties Watch List to include a list of properties that are older than fifty (50) years old and from that list conduct a cultural resources survey to determine the historic significance, if any, each structure possesses.
 - b. Each structure shall be evaluated as to its historic significance and placed in a City Historic Properties Priority Matrix. The Priority Matrix shall include a list of those properties that, based upon the findings of the cultural resources survey, have been determined to possess some level of historic significance. This matrix shall identify basic levels of priority and rank the properties accordingly.
9. Review and make decisions on applications for Certificates of Appropriateness (COA) related to alterations, construction, repair, moving and/or demolition to a designated historic landmark or historic district.
10. Advise and assist owners of historic properties on physical and financial aspect of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places and the Colorado Registers of Historic Properties;
11. Develop and assist in public education programs including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences;
12. Conduct surveys of historic areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas;
13. Advise the City Council on matters related to preserving the historic character of the City;
14. Actively pursue financial assistance for preservation-related programs.

15. Make recommendations to the City Manager concerning the utilization of grants from federal, state or local agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of significant cultural resources.
16. Perform all actions and functions as authorized or directed by ~~Article 17-52~~, **LUDC Section 10.03 Historic Preservation**, of the Brighton Municipal Code and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.
17. Such other and further duties and responsibilities as may be directed by resolution or ordinance of the City Council.

II. MEMBERSHIP, APPOINTMENT, AND OFFICERS

A. Membership and Appointment. The Board shall consist of seven (7) voting members, two (2) alternates, appointed by the Mayor and City Council in accordance with Section 2-66-10, BMC, and the City Manger as an ex-officio non-voting member. The qualifications, interests, expertise, and terms of the members shall be as set forth in Section 2-66-10, BMC. Member. In addition to the seven voting members and two alternate members, the Mayor and City Council may appoint an Emeritus member in order to provide additional expertise, historical knowledge and valuable input to the Commission. Similarly, a Youth Commission member may also be appointed by the Mayor and City Council to serve on the Commission at any time.

B. Officers and Elections. The Board shall select a chair, **and** a vice chair, ~~and a treasurer~~ from among its members. **Elections shall occur annually, at the first regular meeting in July, or as soon thereafter as practicable.** The term of the chair, **and** vice chair, ~~and treasurer~~ shall be for one year with eligibility for re-election thereafter. **All terms expire annually on June 30.** The City Manager or his designee may provide administrative assistance to the Commission in the form of a city staff person and/or secretary.

Nominations for elected officers of the Board are made orally during a meeting at which a quorum is seated. No seconding is required for nominations, except to close the nominations and hold a vote. Members proposing to nominate another voting member for office shall first obtain that member's consent. Any member so nominated may respectfully withdraw his or her name from nomination prior to the vote. Silence by a nominee shall be construed as acceptance.

After the nominations occur, a motion shall be made and seconded to close the nominations and hold a vote, at which point a roll-call vote shall occur respecting the nominations. Nominees receiving a majority of votes are elected.

1. Chair. The chair is responsible for conducting Commission meetings in an orderly and democratic manner, while assuring that minority opinion may be expressed and that the majority is allowed to rule. The chair shall decide all points of order, decorum and issues of procedure, evidence and testimony, unless otherwise directed by a majority of the Commission in session at that time. The chair, in his or her reasonable discretion, may temporarily relinquish such duties and delegate the same to the vice chair from time to time, for all or part of a particular meeting or as to certain agenda items, and the vice chair shall fairly and properly conduct such meetings or agenda items in all respects in accordance with these Bylaws.
2. Vice Chair. The vice chair shall preside in the absence of the chair and shall assume all duties of the chair. In the event that both the chair and vice chair are absent, the next most senior non ex-officio member of the Commission shall preside upon being recognized by the remaining members then present, and shall be seated as chairperson by a motion for the record.
3. ~~Treasurer. The treasurer shall routinely monitor the care and custody of all budgeted and donated funds of the Commission. The treasurer shall also assume the duty of keeping a record of the Commission meeting proceedings in absence of city staff.~~

C. Member Absences, Alternates. Any member who is unable to attend a meeting shall notify the chair, vice chair, ~~or~~ **and** staff in advance, and state the reason for his or her absence. Meetings shall commence at time set by the Board, at which time absences and the seating of alternates shall be recognized for the record. In the event of an absence among the regular members, the chair shall seat an alternate member in the place of such absent regular member. Alternates shall be seated in the manner provided in Section 2-66-10(b)(1), BMC. Once thus seated, an alternate member shall be entitled to vote upon such matters as come before the Commission. Emeritus and Youth Commission members shall serve in an advisory capacity only, and may not be seated to vote in the absence of another member.

D. Removal. Members may be removed by the Mayor and City Council, with or without cause as set forth in Section 2-66-10(e), BMC.

III. COMMITTEES OF THE BOARD.

A. There shall be a **COA/Demolition Review Committee** of the Commission consisting of the chair, one regular member of the Commission selected by the chair, a city staff representative, and the City Manager or Manager's designee. The **COA/Demolition Review Committee** shall function in accordance with **LUDC Section 10.03 E. 47-52-55, BMC. A quorum of this committee shall consist of 4 members.**

B. The Commission may create one or more committees of the Commission and appoint one or more members of the Commission to serve on ~~the~~ **each committee**. The creation of a committee and appointment of members to it shall require the approval of a majority of all the Commissioners in office when the action is taken. All committees shall be given an explicit charge and shall serve at the pleasure of the Commission.

C. The provisions of these Bylaws governing meetings, ~~notice, waiver of notice, and quorum~~ and voting requirements, **if applicable**, of the Commission apply to committees. **Committee meetings can be held either in person or virtually.**

D. **The Commission may also appoint residents of the City of Brighton that are not members of the Historic Preservation Commission to serve on one or more committees. To be appointed to a committee, the appointee must attend a regular meeting of the Historic Preservation Commission where they will be appointed to a committee by a vote of the Commissioners. This vote shall take place during a specified agenda item in which the Commission will vote on a potential appointee.**

IV. QUORUM, CONDUCT OF MEETINGS AND VOTING

A. Quorum. A quorum shall consist of four (4) regular members (or Alternates seated as such), and no official business may be conducted without a quorum. If a quorum is not present, the members present may adjourn the meeting. If a public hearing is continued, the time, place, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.

B. Conduct of Meetings. All meetings are open to the public, and shall be carried-out in a business-like manner. It shall be the policy of the Commission, as necessary and appropriate, to solicit public participation at meetings and to provide fundamental fairness and accord due process to all interested parties. Meetings shall be conducted pursuant to the following general format:

1. Written Agenda and Order. Staff shall generally co-ordinate formal agenda items, except that the Commission may direct the preparation of matters to be placed on the agenda if two (2) or more members of the Commission concur. A vote is not required to set the agenda. Scheduled items may be deleted from the agenda or continued pursuant to the procedures set forth in Section III. B.4, below. The order of the agenda shall be generally as follows:

- a. Call to Order and Roll Call.
- b. Minutes of Previous Meetings.

- c. Public Comment – Non-Scheduled, Non-Agenda Items
- d. Public Hearing Agenda Items.
- e. Old and New Business: Reports
 - Matters from Commission Members and Committees;
 - Matters from the City Manager;
 - Matters from Staff or the City Attorney.
- f. Adjournment.

2. Rules of Speaking. To obtain the floor, a member shall first address the chair, who shall recognize that member for the record by name and yield the floor. The chair next generally recognizes that member who first requests the floor after it has been relinquished, except that the chair may use its discretion in providing for the orderly transition of the floor such that all members are properly accommodated (i.e., yielding to the member next seated to the right or left, etc.). members shall generally relinquish the floor after they have addressed the pending issue for five (5) minutes.

3. Public Hearing Procedures – Presentation, Hearing, Deliberation. In the case of public hearings, if any, the chair shall have the discretion to enforce or alter these procedures as necessary, so as to ensure that meetings are conducted efficiently and in a manner that provides fundamental fairness and accords due process to all interested parties. The following procedures shall also apply to the Public Comment portion of the agenda, with time frames subject to the chair’s discretion, and as generally provided below:

- a. The chair first calls for presentation by staff (5 to 15 minutes);
- b. The chair then calls for presentation by the applicant or interested party(ies) (5 to 15 minutes);
- c. Commission members may then question staff or the applicant to clarify any information or evidence presented;
- d. The hearing item is then opened to the public for comment on any issues relevant thereto, including proponents and opponents of the item (3 to 5 minutes per presentation);
- e. Response, rebuttal or clarification by staff or applicant, as necessary (3 to 5 minutes);
- f. After all evidence has been presented, the public hearing is closed and deliberation occurs. At that time, the applicant, staff, or members of the public may participate only if called upon by the chair.

4. Continuance of Scheduled Agenda Item. When it appears that the Commission requires additional time and/or information for proper deliberation of a scheduled agenda Item, or if the interests of fairness and justice would otherwise be served by a continuance, then the Commission may by a majority vote continue an item to a date certain upon motion of a member, if such motion is made and passed prior to approval or denial of the agenda Item.

Provided, however, that the member so moving shall publicly state for the record the reasons for the motion, and shall allow the proponent, opponent and staff the opportunity to state their position on the proposed continuance. In connection with such a motion, members shall act in good faith, and as a matter of course shall seek to obtain for the record the applicant’s consent and agreement to the continuance. After an item is placed on a published agenda, an applicant may request that an item be continued or deleted prior to consideration by the Commission. If such a request is not made in advance of the meeting, then the Commission shall hear the applicant’s request on the day of the meeting, and may grant such request upon a showing of good cause by the applicant. If for some reason the continuance is denied, then the applicant shall be advised of his or her right to withdraw the application and resubmit it at a later date.

Notwithstanding any of the foregoing, when without good cause an applicant fails to appear for hearing on any regularly scheduled, published agenda item, it shall be the policy of the Commission to continue the Item once as a matter of course to a date certain, by motion and without hearing. Upon such continuance by the Historic Preservation Commission, the applicant shall be notified in writing of the automatic continuance due to the applicant’s failure to appear. The written notice shall advise the applicant of the date certain to which the item has been continued, and that failure to appear on the date certain indicated may result in a finding by the Commission that the applicant has abandoned the application, thus justifying denial of the application.

All continuances shall be to a date certain unless otherwise agreed-upon by the applicant and the Commission, and further continuance(s) may be requested at or before that time in accordance with these Bylaws.

5. Public Hearing Procedure – Continued Items. When any scheduled agenda item is continued to a date certain pursuant to and in accordance with the procedures set forth in Paragraph IV. B. 4., above, then the following procedures shall apply to the continued Item:

- a. Where an item is continued for the purpose of receiving additional information for proper deliberation, and the Commission has determined that the interests of fairness and justice would be served thereby, upon receipt of such additional information on the continued hearing date the Commission shall re-open the public comment portion of the agenda item, such that proper deliberation and fair debate may occur regarding the additional information presented. Provided, however, that the chair may in his discretion reasonably limit the scope and duration of responsive testimony and evidence, to that which is relevant to the additional information. In this regard, at the continued hearing the Chair may make such evidentiary rulings as are reasonably necessary to limit the presentation of irrelevant, redundant or cumulative evidence.
- b. Where an item is continued for any other reason (due to the lateness of the hour; the volume of information previously received; other time constraints; etc.), and the Commission has neither requested nor requires additional information for proper deliberation, then the Commission shall not be required to re-open the public comment portion of the agenda item, except as may be necessary to obtain explanation or clarification of information previously received, including opportunity for response and/or rebuttal; or, under such other circumstances as the Commission determines would serve the interests of fairness and justice.
- c. The provisions of this paragraph 5 shall not apply unless the continued Item has been continued to a date certain for the purpose of receiving additional information regarding that item, and such additional information shall in fact have been presented and received at the continued hearing. Where no information is being presented (in the case of a requested continuance, for example), no public comment is required unless the interests of fairness and justice so require.

6. Executive Session. At any regular meeting, upon proper motion by a member, the Commission may hold an executive session pursuant to the provisions of C.R.S. § 24-6-402, as amended, for one or more of the following purpose(s), which shall be announced by the member making the motion and by the chair for the prior to convening the executive session:

- a. Receiving legal advice from the attorney for the Historic Preservation Commission on specific legal questions;
- b. Considering matters required to be kept confidential by federal or state law, rule, regulation, or other lawful privilege;
- c. Considering any documents protected by the mandatory non-disclosure provisions of the Colorado Open Records Act;
- d. Any other lawful purpose, which shall be specified.

No adoptions of any proposed policy, position, resolution, decision, rule, regulation, or other formal action shall occur at any executive session not open to the public. All executive sessions shall be electronically recorded as provided by C.R.S. § 24-6-402, as amended, and shall otherwise comply with Colorado law in all respects.

7. The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character.

V. MOTIONS AND VOTING

A. Procedure for Motions. After all evidence has been presented and due deliberation has occurred, the chair may entertain a motion from any member who has been properly seated. Members should use care in choosing language that accurately states his or her proposed motion. The member may briefly state the reasons for his or her motion before making it, but should not argue the substance of the motion until it has been seconded. Having spoken once, the member may not speak again until all other members who wish to speak have had opportunity, except to answer questions or respond comments posed by other members, or to withdraw the motion. Having made a motion, a member may neither speak nor vote against it.

Another member seconds the motion. All motions require a second. However, the seconder is not required to favor the motion and may speak and vote for or against it. This allows the merits of the motion to be heard and argued publicly, without regard to outcome. If there is no second, the chair shall not recognize a motion. Once seconded, a motion may not be withdrawn without the seconder's consent.

The chair then re-states the motion accurately and asks for discussion. General debate and discussion follow, and the rules of speaking outlined above are followed. At the end of discussion or when the question is called, the chair re-states the motion and calls for a vote.

B. Voting. Commission members shall vote orally by a calling of the roll. An affirmative vote of a majority of the seated members, (or alternates seated as such), is required to pass a motion recommending approval of any action. Otherwise, the item is deemed denied, except that where a motion to deny an item or approve it with conditions does not carry, the chair may entertain another motion, either to approve, approve without conditions or with modified conditions, or to deny or continue the item, such that the Commission fulfills its duty to clearly recommend some form of action.

The chair announces the result of the vote, and the motion is not completed until the result is announced. Results may be placed in the record of the Commission in accordance with the prepared resolution(s), along with any amendment(s) thereto, paying special attention to the recitation of Historic Preservation Commission findings, determinations, and conclusions as set forth in the written resolution(s).

If the vote results in a tie, the applicant is entitled to re-hearing of the item within a reasonable time, upon the applicant's written request directed and delivered to staff within seven (7) days thereafter.

VI. EX PARTE CONTACTS AND CONFLICTS OF INTEREST

The regular members and alternates serving on the Historic Preservation Commission are subject to and shall comply with the provisions of Article 2-10, Code of Ethics, of the Brighton Municipal Code, as amended.

If a member is concerned that the appearance of impropriety may exist with respect to that member's participation in a particular item, but no actual conflict of interest exists, then prior to each hearing item so affected, that member should advise the chair accordingly, stating his or her concerns, and should state for the record whether the member believes that he or she can nevertheless act impartially. The chair shall then advise the applicant, and shall call upon the applicant to state for the record any objections that the applicant may have to the member's participation, or whether the applicant consents to such participation. If there are objections, then the member shall respectfully recuse himself or herself in the interests of fairness to the applicant, and shall not participate further in deliberation of that item.

VII. AMENDMENTS TO THESE BYLAWS

These Bylaws may be amended by the affirmative vote of four (4) Members of the Historic Preservation Commission.

APPROVED BY A MAJORITY VOTE OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BRIGHTON, COLORADO, AT A REGULARLY SCHEDULED PUBLIC MEETING, DATED AUGUST 11, 2022.

