

Historic Preservation Commission
Work Session Minutes
Wednesday, November 13, 2024, 2:30 p.m.
Fairhope Museum of History
24 N. Section Street, Fairhope, Alabama 36532

Members in Attendance: Skip Jones, Mara Kozelsky, Amy Molyneux, Gary Gover, Susan Stein, Erik Cortinas, Building Official (Staff Liaison), Jenny Opal Wilson, Assistant City Clerk (Secretary), Dannie Mixon (Arrived 2:45 p.m.), and Ginger Golson (Arrived 3:29 p.m.)

Guests: Paige Thomas, Alabama Historical Commission, Cynthia Rush, and Robert Normand

Called to Order:

Mara Kozelsky, called the meeting to order at 2:30 p.m.

Alabama Historical Preservation (The State Historic Preservation Office) :

Mara Kozelsky introduced Paige Thomas, Certified Local Government and Community Preservation Coordinator. Paige gave PowerPoint presentation on City of Fairhope CLG Training. She discussed the following topics:

- ❖ Alabama Code Section 11-68: Historic Preservation Commissions
- ❖ Bylaws and Procedures
- ❖ How do HPCs protect properties?
- ❖ Historic Designation
- ❖ What is your role?
- ❖ What is a Historic Preservation Commission (HPC)?
- ❖ Local Ordinance
- ❖ Establishing an HPC
- ❖ Powers and Duties of the HPC
- ❖ How do HPCs protect properties?
- ❖ National Register of Historic Places
- ❖ Alabama Register of Landmarks and Heritage
- ❖ Secretary of Interior's Standards: for Rehabilitation
- ❖ Local Designation
- ❖ Conducting a Meeting
- ❖ Certified Local Government Program
- ❖ Steps to becoming a CLG
- ❖ Benefits of being a CLG
- ❖ Federal Rehabilitation Tax Credit
- ❖ Alabama's Historic Rehabilitation Tax Credit
- ❖ Ad Valorem (Alabama Property Tax Benefit)
- ❖ Grant Programs – Historic Sites Grant Program
- ❖ Grant Programs – PASS Grant Program

- ❖ Certified Local Government Grant Program – Matching grants for local preservation for municipalities with CLG status
- ❖ Resources for Reuse and Incentives

(Presentation attached to minutes.)

Paige addressed questions by Historic Preservation Commission.

Adjourn Meeting:

Mara Kozelsky asked for motion to adjourn meeting. Skip Jones made a motion to adjourn meeting. Seconded by Amy Molyneux, motion passed unanimously. Meeting adjourned at 3:55 p.m.

Respectively Submitted,
Jenny Opal Wilson, MPA/CMC
Assistant City Clerk - City of Fairhope



ALABAMA

HISTORICAL
COMMISSION

THE STATE HISTORIC PRESERVATION OFFICE

Protect, Preserve and Interpret Alabama's Historic Places



"There may have been a time when preservation was about saving an old building here and there, but those days are gone. Preservation is in the business of saving communities and the values they embody."

Richard Moe, National Trust for Historic Preservation

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Alabama Code Section 11-68: Historic Preservation Commissions

- Alabama State Law establishes the legal framework by which cities can establish HPCs. Outlines powers and duties of Commissions (and Review Boards) to designate and regulate historic properties.
- HPCs are administrative bodies of local governments with members appointed by a mayor and/or the city council that have interest and/or expertise in disciplines relevant to historic preservation.
- If a local historic district ordinance is adopted after the creation of the HPC, The HPC (or a delegated Review Board) is the governmental agency that grants or denies a permit to change historic property.



Bylaws and Procedures

BY-LAWS

HUNTSVILLE HISTORIC PRESERVATION COMMISSION

1. The Huntsville Historic Preservation Commission shall be governed by applicable City and State Laws and Ordinances, and by these By-Laws, as the same may from time to time be amended.

2. Organizational Meetings

Unless otherwise provided, the Commission, at the meeting regularly scheduled for the month of June each year shall, as the first order of business, meet to organize itself.

3. Officers

At the time and place herein provided, the Commission shall elect a Chairman, and Chairman Pro-Tempore. The director of the City Planning Commission shall serve permanently, by virtue of his office, as Secretary of the Commission.

4. Committees

The members of such committees, as may be determined necessary and desirable by the Commission, shall be appointed by the Chairmar, subject to the approval of the Commission. Standing committees can be created with assigned duties when considered necessary.

5. Regular Meetings

Unless otherwise provided, the Commission shall meet for business on the second Monday of each month at 4:30 P.M. in the Conference Room of the Inspection Department of the City of Huntsville, Alabama.



How do HPCs protect properties?



*Photo from City of Headland

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Historic Designation

- Historic designation is the process of identifying structures or districts of local historical or architectural significance for government protection.
- There are 3 types of designation in Alabama: local, state (Alabama Register of Landmarks & Heritage), and federal (National Register of Historic Places)
- The Alabama Register and the National Register are honorary and do not place any restrictions on property owners.
- Historic preservation ordinances offer the greatest protection for historic resources. These laws protect individual sites and historic districts through a permitting process that requires advance review of proposed projects by a preservation commission.
- ***Only Local Designation carries regulatory authority.*** That authority is granted under the Code of Alabama 11-68.



What is your role?

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Historic Preservation Commission

Protect, Preserve and Interpret Alabama's Historic Places



What is a Historic Preservation Commission (HPC)?

- HPCs are administrative bodies of local governments with members appointed by a mayor and/or the city council that have interest and/or expertise in disciplines relevant to historic preservation.
- An HPCs authority is spelled out in a city's Historic Preservation Ordinance.
- The Ordinance establishes the HPC and set forth procedures and criteria for the designation of historic properties, along with procedures and criteria for reviewing requests to alter, move, or demolish such properties.
- The HPC is the governmental agency that grants or denies a permit to change historic property.
- Alabama State Law establishes the legal framework by which cities can establish HPCs.



Local Ordinance

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF HEADLAND, TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEADLAND

Section I

Purpose

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Headland is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business district and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law, and;

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The City Council of the City of Headland hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of the Ordinance.

Section II



Establishing an HPC

- Members
- Professional Qualifications
- Terms
- Organization
- Adoption of by-laws and procedures
- Public record
- Meetings



Powers and Duties of the HPC

- Preserve and protect buildings, structures, sites in designated historic districts
- **Prepare surveys**
- **Recommend properties for designation of historic properties or districts**
- Restore and preserve any historic property acquired by municipality or commission
- Promote acquisition of façade and conservation easements



Powers and Duties of the HPC

- Develop and conduct educational programs
- Apply for funds to carry on responsibilities
- Purchase, sell, own, encumber, lease, mortgage and insure real or personal property
- **Investigate, survey, process nominations of properties to the National Register**
- Investigate, process, survey applications for tax credits
- Contract with other municipalities, etc. to perform preservation related functions



How do HPCs protect properties?



*Photo from Fairhope Public Library Collection

Protect, Preserve and Interpret Alabama's Historic Places

National Register of Historic Places



- National list-Honorary
- Identify, evaluate, and protect historic resources
- 50 years of age or older
- Significance and Integrity

<https://ahc.alabama.gov/nationalregister.aspx>

Alabama Register of Landmarks and Heritage

- State list-Honorary
- Identify, evaluate, and protect historic resources
- 40 years of age or older
- Significance and Integrity, standards are not as rigorous at NR



<https://ahc.alabama.gov/historicalmarkerprogram.aspx>



How do HPCs protect properties?

- The Alabama Register and the National Register are honorary and do not place any restrictions on property owners.
- Historic preservation ordinances offer the greatest protection for historic resources. These laws protect individual sites and historic districts through a permitting process that requires advance review of proposed projects by a preservation commission.



Secretary of Interior's Standards

Protect, Preserve and Interpret Alabama's Historic Places



Secretary of Interior Standards

- Standards are set for rehabilitation of historic properties by the National Park Service (NPS)
- Preservation principles that promote best practices

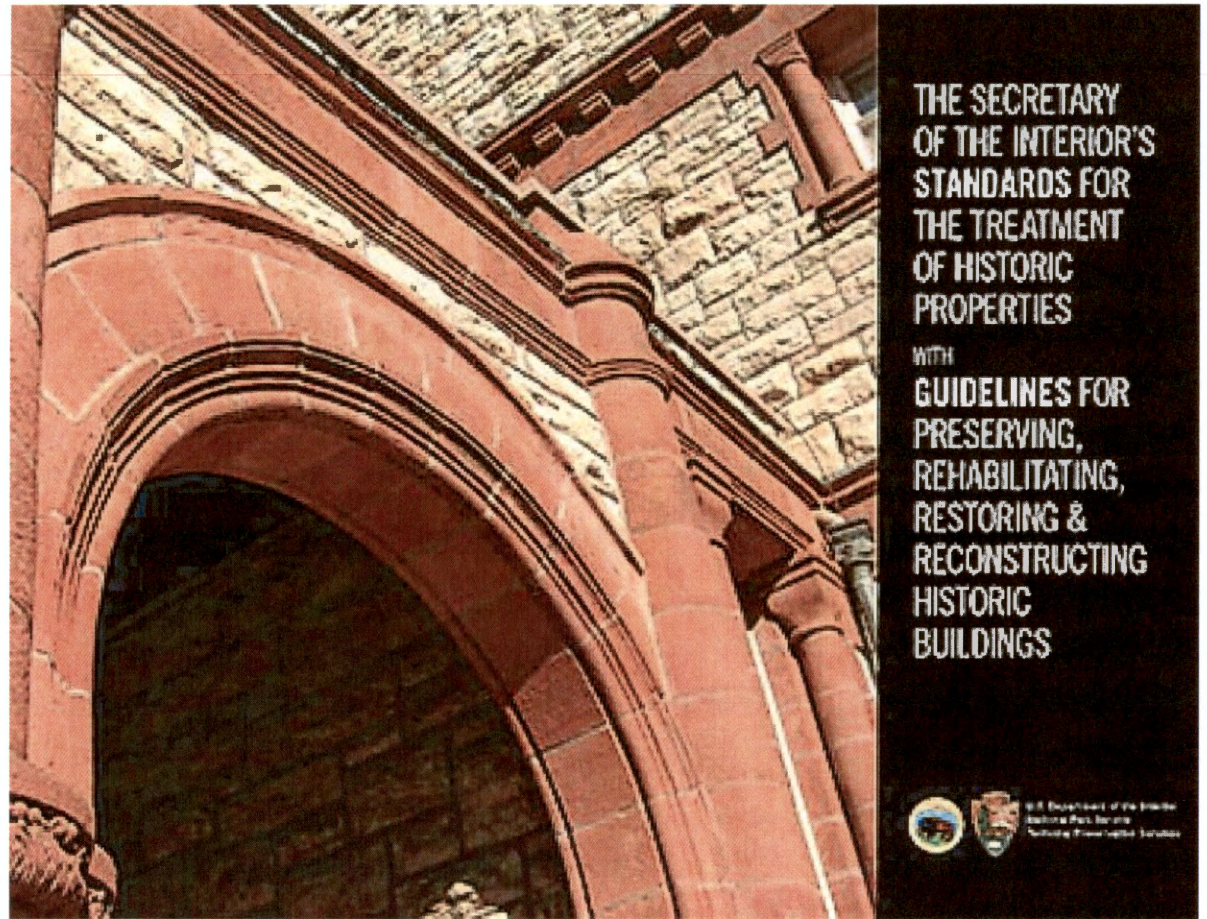
<https://www.nps.gov/tps/standards.htm>

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>



Secretary of Interior Standards

Standards for:
Preservation
Rehabilitation
Restoration
Reconstruction



<https://www.nps.gov/tps/standards.htm>

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Secretary of Interior Standards: for Rehabilitation

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- The historic character of a property will be retained and preserved. The **removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.**



Secretary of Interior Standards: for Rehabilitation

- Each property will be recognized as a physical record of its time, place and use. **Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.**
- **Changes to a property that have acquired historic significance in their own right will be retained and preserved.**



Secretary of Interior Standards: for Rehabilitation

- **Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.**
- **Deteriorated historic features will be repaired rather than replaced.** Where the severity of deterioration requires **replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.** Replacement of missing features will be substantiated by documentary and physical evidence.



Secretary of Interior Standards: for Rehabilitation

- **Chemical or physical treatments**, if appropriate, will be **undertaken using the gentlest means possible**. Treatments that cause damage to historic materials will not be used.
- **Archeological resources** will be protected and preserved in place. If such resources **must be disturbed, mitigation measures will be undertaken**.



Secretary of Interior Standards: for Rehabilitation

- New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.



Secretary of Interior Standards: for Rehabilitation

- New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Review

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Local Designation

- Why designate?

- ✓ Designation helps preserve neighborhood character as all exterior changes in the neighborhood must first be reviewed by the Architectural Review Board.
- ✓ Designation also provides a means of recourse for work that is done and not appropriate for a historic neighborhood.
- ✓ Studies have shown that designation can positively affect property values.

- Effects of designation

- ✓ Designation does not affect zoning or use
- ✓ The only restriction placed on locally designated properties concerns the ARB review of changes to the exterior of the property, such as demolitions, additions, alterations, and large tree removal.
- ✓ Repair and maintenance projects generally do not require ARB approval.



Review

- CAN:
 - Elaborate on general design criteria found in ordinance
 - Reinforce character in district
 - Protect property values
 - Explain approaches to design
 - Serve as a decision-making tool
- CAN'T:
 - Serve as ordinances since it is not law
 - Limit growth



Local Designation

 ALABAMA HISTORICAL COMMISSION THE STATE HISTORIC PRESERVATION OFFICE	468 S. Perry Street Montgomery, Alabama 36130-0900 Voice: (334)242-3184 Fax: (334)262-1083 www.ahc.alabama.gov
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➤ Neighborhood requests in writing that they wish to pursue historic designation.

➤ City staff holds neighborhood workshop to explain the benefits & procedure of designation.

➤ Neighborhood Association forms a subcommittee to work with Staff on documentation and preservation plan.

➤ Complete a survey for each property in proposed district according to AHC standards. The survey should justify the boundary of the proposed district based on architectural and historical merits. More information on architectural surveys can be found at <https://ahc.alabama.gov/architecturalprograms>. Develop a map of the proposed district.

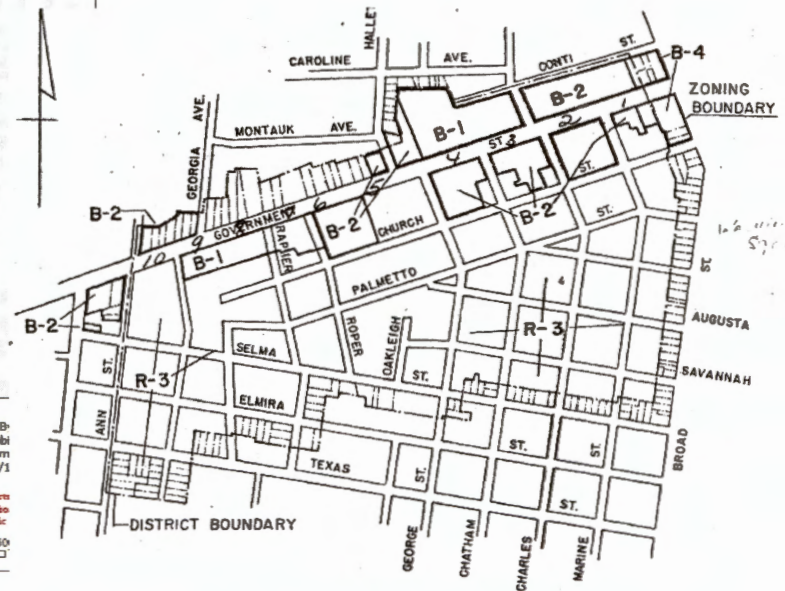
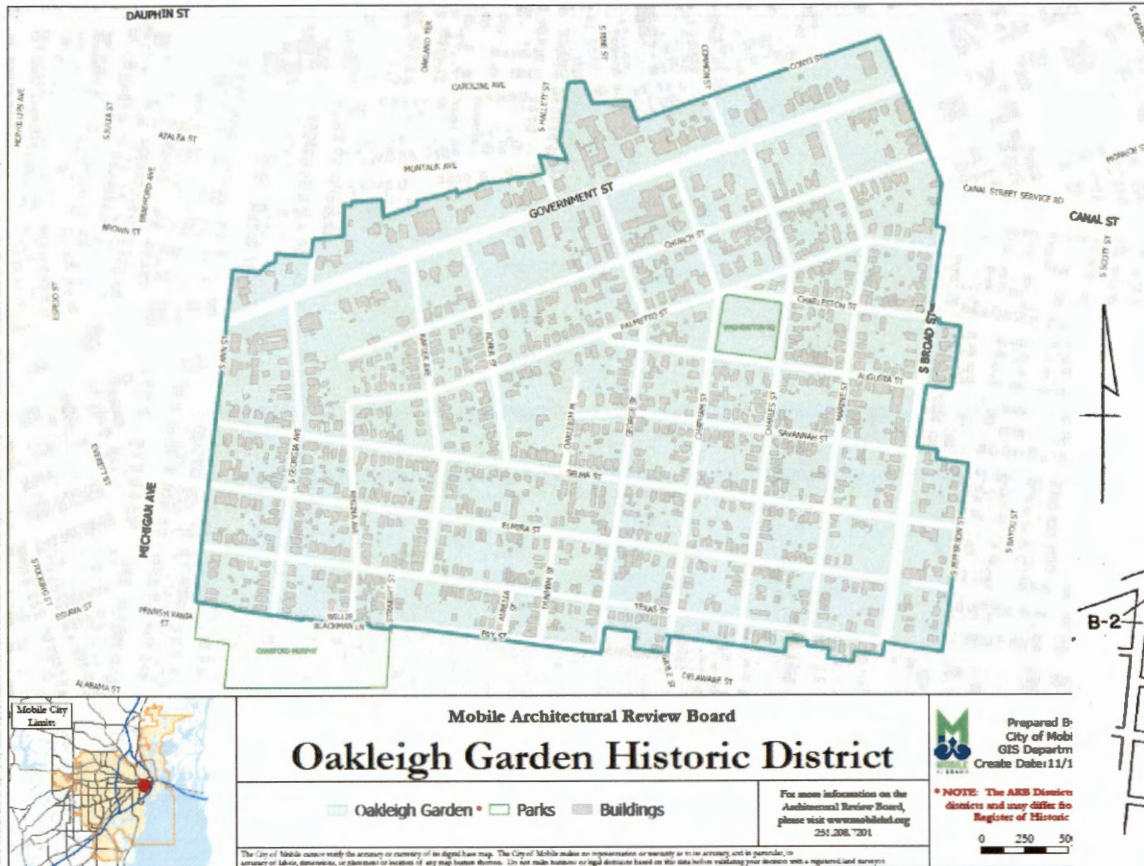
➤ Develop a map of the proposed district. To create a district, the boundaries need to be justified. A neighborhood district should reflect geographical and/or historical boundaries that make sense. For neighborhoods, piecing a district together is not legally defensible.

➤ Develop outline of what the neighborhood would like included in Design Review Guidelines.

HISTORIC BUILDING SURVEY FORM			
1. Location/Ownership			
AHC Survey Number:	Form completed by:	Date:	
Property Name:			
Location/Street Address:			
City/Zip:	County:		
USGS Quad:	Township/Range/Section:		
Current Owner's Name & Contact Info (if known):			
2. Physical Description			
Construction date:	Source:		
Alteration date:	Source:		
Architect/Builder:	Contractor:		
Physical condition: (Excellent, Good, Fair, Poor, Ruinous)	Remaining historic fabric: (High, Medium, Low)		
No. of stories:			
Historic use of property:			
Current use of property:			
Architectural style category:	Architectural style sub-category:		
Basic typology:	Basic shape:		
Basic floor plan:	Historic Construction material(s):		
Current exterior wall material(s):	Roof finish material(s):		
Main roof configuration:	Foundation material:		
Porch type:			
Window type and materials:			
Describe alterations:			
Number and type of all outbuildings: (if significant, fill out separate survey form)			
Exterior Architectural Description:			
Description of Setting:			
Historical Notes:			
3. Eligibility			
Appears Eligible for Alabama Register:	☐ Yes ☐ No ☐ would contribute to a district ☐ Undetermined		
Appears Eligible for National Register:	☐ Yes ☐ No ☐ would contribute to a district ☐ Undetermined		



Local Designation





Local Designation



- The HPC reviews the documentation and determines whether it meets the designation criteria.
- HPC must hold at least one public hearing pursuant to the local ordinance to present proposed district for designation.
- Each property owner in the proposed district must be notified of the meeting by mail and have the opportunity for comment.
- If HPC determines the proposed district is eligible, then the City will notify the property owners of record in writing of the intent to nominate the district.
- *If majority of property owners consent, The HPC must present the proposed district to city council for their approval within 15 days of the public meeting, or however many days specified in the local ordinance.*
- City council then has the authority to designate local historic districts at the recommendation of the HPC.



Review

- Guidelines provide a common basis for decision making about work that may affect the appearance of an individual property or district. They typically address:
 - Rehabilitation/ Alterations
 - Alterations to non-contributing structures
 - New construction
 - Site work



Conducting a Meeting

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Conducting a Meeting

- Know parliamentary procedure
- Establish and maintain adequate working files for your commission
- Get your commission's attorney to review with you ahead of time issues that you anticipate needing to decide and arguments that you believe will be presented to the commission



Conducting a Meeting

- Alabama Open Meetings Act: Sections 36-25A-1 to 36-25A-11 in Code of Alabama, 1975 Act 2015-340
 - Any discussions, if you are together at one time, any business
 - Pre-arranged gathering
 - Quorum
 - Time and place set by law
 - No participating by electronic means to vote
 - No deliberation



Conducting a Meeting

- Alabama Open Meetings Act: Sections 36-25A-1 to 36-25A-11 in Code of Alabama, 1975 Act 2015-340
 - Not a meeting if:
 - Social gathering
 - Convention/conference
 - Training program
 - Media events
 - Press conference
 - On-site inspections



Conducting a Meeting

- Allow for due process by:
 - Give adequate notice of meetings
 - Give parties opportunity to be heard
 - Make sure there is no conflict of interest between applications and Commissioners
 - Make an informed decision
 - **Keep record of minutes** that if needed can support your decision



Conducting a Meeting

- Decision should be clear and comprehensible
- Decision should indicate the significance of the structure or district involved
- Be aware of existing precedents and beware of setting bad precedent
- Don't decide all of the issues before your commission in one sentence
- Avoid any appearance of having been arbitrary or capricious



Conducting a Meeting

- Things to Ask and Keep in Mind:
 - Building codes v. Guidelines
 - Focus on issues at hand
 - Listen to the applicant and asked questions
 - Once decision has been made, summarize the outcome clearly and with necessary details
 - Make a clear Decision



Certified Local Government Program

A Certified Local Government (CLG) is a town or city that has made a commitment to historic preservation by partnering with the National Park Service (NPS) and the AHC.

The CLG program assists local governments with integrating historic preservation concerns into local planning decisions. Joining the CLG program is an important and effective way to preserve Alabama's historic places.



Steps to becoming a CLG

Before a city can be certified as a CLG, the city must establish a Historic Preservation Commission through a Historic Preservation Ordinance.



Benefits of being a CLG

Once certified by the National Park Service, a local government becomes eligible to:

- To provide local preservation leadership. CLG's accomplish this by identifying, evaluating, and protecting global resources; access technical advisory services to pass on to your community; and by participating in the Register for Historic Places review and designation process.
- Funding opportunities are exclusively available through an annual CLG subgrant administered by the SHPO. These grants require a match that can be monetary, or through in-kind services.
- CLGs also have the opportunity to participate in the review of federal projects through the federal Section 106 review process.

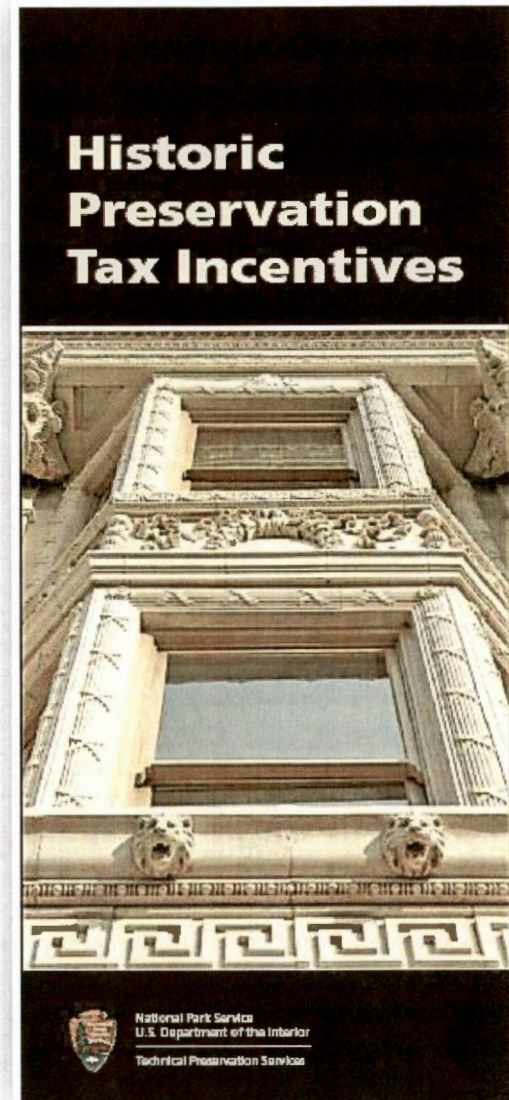


Federal Rehabilitation Tax Credit

20% Tax Credit

Buildings must be:

- Listed in the National Register of Historic Places
- Income-producing
- Substantially rehabilitated
- Certified by NPS





Alabama's Historic Rehabilitation Tax Credit

- A **25%** income tax credit on qualified expenses incurred during a rehabilitation project.
 - Defrays the costs of rehabilitation projects for owners of historic properties while ensuring those properties are preserved according to Preservation Standards.
 - Taxpayers filing a State of Alabama income tax return or entities exempt from federal income taxation who own title to a building or own a leasehold interest in a building for a term of 39 years or more may apply.
- 1) Property must be at least 75 years old... (As of June 2023)
 - 2) Property must be listed in the National Register of Historic Places either individually or as a contributing resource in a listed National Register district.
- OR**
- 3) Property must be eligible for the National Register either individually or as a contributing resource in an eligible National Register district.



Ad Valorem (Alabama Property Tax Benefit)

- Tax benefit that allows for historic properties to be assessed at the lowest tax rate.
- Applies to income-producing properties
- Application available at
www.ahc.alabama.gov/alabamarehabtaxcredits.aspx



Grant Programs

Historic Sites Grant Program:



*Image from <https://www.pickenslibrary.com/aliceville-public-library.html>

<https://ahc.alabama.gov/Resources/grants.aspx>

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Grant Programs

PASS Grant Program:



*Image from Maxwell Walden

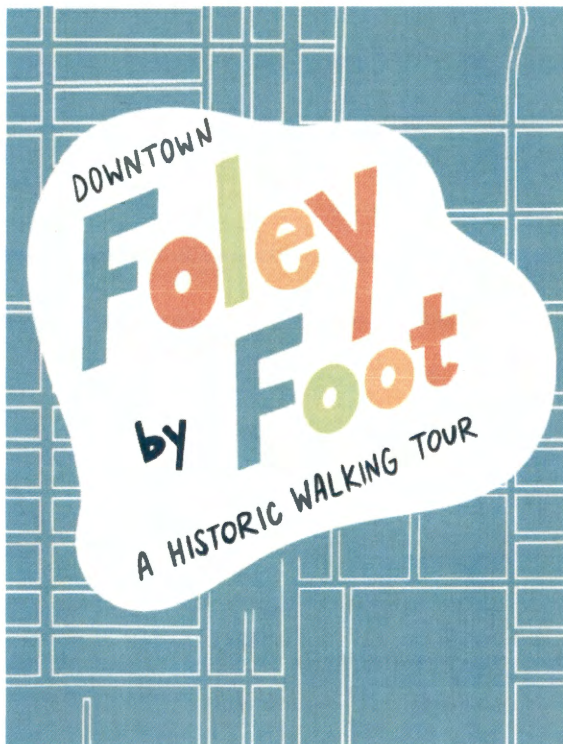
<https://ahc.alabama.gov/Resources/grants.aspx>

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Certified Local Government Grant Program

- Matching grants for local preservation for municipalities with **CLG** status



- Surveys
- National Register nominations
- Training for commission members
- Preservation plan development
- Predevelopment (planning for rehab)
- Development (bricks and mortar)
- Public awareness and education

<https://ahc.alabama.gov/CLG.aspx>



Resources for Reuse and Incentives

<https://www.nps.gov/orgs/1739/upload/preservation-brief-51-building-codes.pdf>

<https://ohp.parks.ca.gov/pages/1054/files/Untapped%20Potential%20Green%20Lab%20ULI.pdf>



Resources



<https://www.nps.gov/tps/how-to-preserve/briefs.htm>

<https://www.nps.gov/tps/how-to-preserve/tech-notes.htm>



<https://www.napcommissions.org/technical-assistance>

<https://www.napcommissions.org/resources>

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Resources



The Association for Preservation Technology International
Association Internationale pour la préservation et ses techniques

<https://www.apti.org/>

<https://www.apti.org/apt-building-technology-heritage-library>



<https://prcno.org/>

<https://prcno.org/resources/>

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Resources



National Trust for Historic Preservation

**Preservation
Leadership Forum**

<https://forum.savingplaces.org/home>

[https://forum.savingplaces.org/learn/conferences-
training](https://forum.savingplaces.org/learn/conferences-training)

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Alabama Historical Commission

Questions?

Paige Thomas

334.230.2643

Paige.Thomas@ahc.alabama.gov

www.ahc.alabama.gov

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