

ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, May 5, 2016 at 4:30 PM

CITY COUNCILORS CONFERENCE ROOM

CITY HALL - 200 LINCOLN AVENUE, SANTA FE, NM

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES from April 7, 2016
- E. MATTERS FROM THE FLOOR
- F. ACTION ITEMS
 - Case #AR-07-16. Bishop's Lodge, Brownell-Howland and Terral Roads, and Lugar de Monte Vista.
 Suburban Archaeological Review District. City of Santa Fe, owner, requests amendment of approval
 for alternate means of compliance for an Archaeological Monitoring Plan for the Proposed City of
 Santa Fe Water Main Replacement Project on Bishop's Lodge Road between Stagecoach Drive and
 Hillcrest Drive, Brownell-Howland and Terral Road, and Lugar de Monte Vista, Santa Fe, New
 Mexico.
 - 2. Case #AR-08-2016. Request for amendment to PNM Fort Marcy 11- Murales St. Faulted Cable Replacement. Historic Downtown Archaeological Review District. OAS, agents for PNM, request approval of changes to a previously approved monitoring plan for 5,467 linear feet of surface disturbance for replacement of a faulted primary electric service line.
 - 3. Case #AR-09-2016. Request for approval of Monitoring Plan for the Replacement of a Comcast Conduit on Otero Street. Historic Downtown Review District. OAS, agent for Comcast, request approval of a monitoring plan for 81 meters (266 feet) of cable replacement.

G. DISCUSSION ITEMS

- 1. Discussion of the Santa Fe Archaeological Review Districts Overlay Zoning Ordinance Draft.
- H. MATTERS FROM THE COMMITTEE
- I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS
 - 1. Reminder to submit a letter of interest to renew term.
 - 2. 2016 Santa Fe Heritage Preservation Awards vote.
- J. ADJOURNMENT

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SUMMARY INDEX ARCHAEOLOGICAL REVIEW COMMITTEE HEARING Thursday, May 5, 2016

<u>ITEM</u>	ACTION	PAGE
CALL TO ORDER & ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF MINUTES: APRIL 7, 2016	Approved [amended]	2
MATTERS FROM THE FLOOR	None	2
ACTION ITEMS		
CASE #AR-07-16. BISHOP'S LODGE, BROWNELL-		
HOWLAND AND TERRAL ROADS, SUBURBAN		
ARCHAEOLOGICAL REVIEW DISTRICT. CITY OF		
SANTA FE OWNER, REQUESTS AMENDMENT OF		
APPROVAL FOR ALTERNATE MEANS OF COMPLIANCE FOR AN ARCHAEOLOGICAL		
MONITORING PLAN FOR THE PROPOSED, CITY		
OF SANTA FE WATER MAIN REPLACEMENT		
PROJECT ON BISHOP'S LODGE ROAD BETWEEN		
STAGECOACH DRIVE AND HILLCREST DRIVE.		
BROWNELL-HOWLAND AND TERRAL ROAD AND		
LUGAR DE MONTE VISTA, SANTA FE, NEW MEXICO	Postponed to 06/01/16	2-3
CASE #AR-08-16. REQUEST FOR AMENDMENT TO		
PNM FORT MARCY, 11 MURALES ST. FAULTED		
CABLE REPLACEMENT. HISTORIC DOWNTOWN		
ARCHAEOLOGICAL REVIEW DISTRICT. OAS,		
AGENTS FOR PNM, REQUEST FOR APPROVAL		
OF CHANGES TO A PREVIOUSLY APPROVED		
MONITORING PLAN FOR 5,467 LINEAR FEET OF		
SURFACE DISTURBANCE FOR REPLACEMENT		
OF A FAULTED PRIMARY ELECTRIC SERVICE LINE	Approved	3-6
CASE #AR-09-16. REQUEST FOR APPROVAL OF		
MONITORING PLAN FOR THE REPLACEMENT		
OF A COMCAST CONDUIT ON OTERO STREET.		
HISTORIC DOWNTOWN REVIEW DISTRICT. OAS,		
AGENT FOR COMCAST, REQUESTS APPROVAL		
OF A MONITORING PLAN FOR 81 METERS		
(266 FEET) OF CABLE REPLACEMENT	Approved	7-8

<u>ITEM</u>	<u>ACTION</u>	PAGE
DISCUSSION ITEMS		
DISCUSSION OF THE SANTA FE ARCHAEOLOGICAL REVIEW DISTRICTS OVERLAY ZONING ORDINANCE DRAFT (SECTION 14-3.13)	Information/discussion	8-12
MATTERS FROM THE COMMITTEE	Information/discussion	12
ADMINISTRATIVE MATTERS AND COMMUNICATIONS		
Reminder to submit a letter of interest to renew term	Information	12
Nominations for the 2016 Heritage Preservation Awards Vote	Decision by Committee	. 12
ADJOURNMENT		13

MINUTES OF THE CITY OF SANTA FE ARCHAEOLOGICAL REVIEW COMMITTEE HEARING City Councilors Conference Room May 5, 2016

A. CALL TO ORDER

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on May 5, 2016, in the City Councilor's Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

David Eck, Chair Tess Monahan, Vice-Chair James Edward Ivey Derek Pierce Gary Funkhouser

Others Present

Nicole Thomas, Historic Preservation Division Melessia Helberg, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference, and the original Committee packet is on file in, and may be obtained from, the City of Santa Fe Historic Preservation Division.

C. APPROVAL OF AGENDA

MOTION: Jake Ivey moved, seconded by Gary Funkhouser, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES: APRIL 7, 2016

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The following corrections were made to the minutes:

Page 3, under Background & Summary, line 2, correct as follows: "...Brownell-Howland Roiad Road..."

Page 3, under Background & Summary, line 3, correct as follows: "...placement o of...."

Page 7, first paragraph after Staff Recommendation: Ms. Ramirez-Thomas Nancy Akins said...."

Page 10, Paragraph 11, line 2, correct as follows: "...noting they do not have a....."

MOTION: Tess Monahan moved, seconded by Gary Funkhouser, to approve the minutes of the meeting of April 7, 2016, as amended.

VOTE: The motion was approved unanimously on a voice vote.

E. MATTERS FROM THE FLOOR

There were no matters from the floor.

F. ACTION ITEMS

1) CASE #AR-07-16. BISHOP'S LODGE, BROWNELL-HOWLAND AND TERRAL ROADS, SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICT. CITY OF SANTA FE OWNER, REQUESTS AMENDMENT OF APPROVAL FOR ALTERNATE MEANS OF COMPLIANCE FOR AN ARCHAEOLOGICAL MONITORING PLAN FOR THE PROPOSED, CITY OF SANTA FE WATER MAIN REPLACEMENT PROJECT ON BISHOP'S LODGE ROAD BETWEEN STAGECOACH DRIVE AND HILLCREST DRIVE, BROWNELL-HOWLAND AND TERRAL ROAD AND LUGAR DE MONTE VISTA, SANTA FE, NEW MEXICO

BACKGROUND & SUMMARY

City of Santa Fe, owner, requests amendment of approval for alternate means of compliance for an Archaeological Monitoring Plan for the proposed City of Santa Fe Water Main Replacement Project

on Bishop's Lodge Road between Stagecoach Drive and Hillcrest Drive, Brownell-Howland and Terral Road, and Lugar de Monte Vista, Santa Fe, New Mexico.

STAFF RECOMMENDATION

Staff has no recommendation.

Ms. Monahan said this item is on the agenda, but there is no report or indication of who might be presenting, and asked the reason this item is on this evening's agenda.

Chair Eck said what is on the agenda is what we are served with and staff has done their best to figure out how to present it.

Ms. Ramirez-Thomas said because this case was postponed, we are required to put it on the agenda, and asked that it be postponed again. She said there are discussions between Mr. Shandler and Marcos Martinez, Assistant City Attorney in this regard

MOTION: Tess Monahan moved, seconded by Gary Funkhouser, to postpone consideration of Case #AR-07-16 to the next meeting of the Committee on June 1, 2016.

VOTE: The motion was approved unanimously on a voice vote.

2) CASE #AR-08-16. REQUEST FOR AMENDMENT TO PNM FORT MARCY, 11 MURALES ST. FAULTED CABLE REPLACEMENT. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. OAS, AGENTS FOR PNM, REQUEST FOR APPROVAL OF CHANGES TO A PREVIOUSLY APPROVED MONITORING PLAN FOR 5,467 LINEAR FEET OF SURFACE DISTURBANCE FOR REPLACEMENT OF A FAULTED PRIMARY ELECTRIC SERVICE LINE.

BACKGROUND & SUMMARY

On April 7, 2016, the Archaeological Review Committee approved a monitoring proposal presented by the Office of Archaeological studies on behalf of PNM. PNM is asking for an amendment of the approved plan. They are requesting that the section of the project area between Rosario Boulevard and Murales Road along Old Taos Highway be exempted from monitoring activities. They are requesting the exemption because this section of the project was already surveyed and cleared by the School for American Research (Lange 1981), during the development of Magers Field. The survey extended to areas along the east side of Old Taos Highway and Arroyo Barranca.

STAFF RECOMMENDATION

Staff recommends approval of the change to the monitoring proposal as clearance of the section of the project along Old Taos Highway was cleared in accordance with Procedures for Historic Downtown District Reconnaissance 14-3.13(C(4)(a) and (b), and Procedure for Suburban Area Reconnaissance 14-[3.13(C)(5)(a) and (b).

Chair Eck thanked Ms. Ramirez-Thomas for the staff report and asked if she has anything to add.

Ms. Ramirez-Thomas said no, noting Mr. Reynolds and Ms. Badner are here to speak to the project.

David Reynolds, PNM Environmental Services, said the Office of Archaeological Studies [OAS] is the archaeologist for the project. He said this is a critical main, and basically the cable has gone bad, noting the fault location is at the far west side of the project area on Rosario. He said instead of opting for maintenance, putting in a new splice, they would like to redo the cable and conduit as presented and planned, noting they presented the plan prepared by the OAS.

Mr. Reynolds said, "This sort of is in a gray area for us because it's been surveyed, granted the surveys are older, but there's a lot of detail about previous disturbance within the Old Taos Highway. In looking at it, you have an east-sloping road present. I looked at some historic imagery, so it's been in the same [inaudible] for a very long time. So after looking at it, there was a very low probability of cultural resources. And it brought up the question, how far back do we look at the clearances, the reports, and referring to NMAC guidelines, if it's more than 10 years we consult with SHPO. So we haven't initiated a conversation with SHPO yet, and wanted to bring this as an item for discussion. Further, we're going to be working on the east side of Old Taos Highway, and it's an existing utility corridor, so there is gas, water, sewer, and it's extremely disturbed. So there are known historic disturbances, road grading disturbances and the minor utility maintenance. Thanks again everybody for considering this. This is sort of an unique situation for PNM."

Jessica Badner, OAS, said the survey is old, and there is no getting around that. She thinks the real question is what is subsurface.

Mr. Reynolds said the only thing he saw that would be a potential archaic site, was in the Lange reports, noting Mr. Lange inspected all the arroyos for cultural deposits, so he doesn't specifically call out the archaic period, but he would assume that if there was charcoal staining, etc., he would have noted that during that survey..

Tess Monahan

Ms. Monahan said she recalls recent conversations about areas that have been cleared in the past and the discussion was that we won't go back and reclear areas that already have been examined that are part of the archaeological record. She said she will leave it to her colleagues to dispute. She said as fas as she knows, there is nothing in the Ordinance that says that anything ever ages out, and that you have go back and renew after a period of time.

Chair Eck said he thinks Ms. Monahan is correct, but he would offer that this thing probably falls under the jurisdiction of the State, being in a State Road right-of-way. So it might not be directly applicable to us in the Ordinance, and it might be somebody else's bailiwick.

Gary Funkhouser

Mr. Funkhouser said his memory is the same as the Chair's and Ms. Monahan's in terms of the timeframe, and that would have to be figured out. He said it is complicated within the City limits about what has changed in terms of who is responsible for permitting certain activities – the City or the State DOT. [inaudible]

Mr. Reynolds said he was under the assumption that it was managed by the City, but they have not checked with DOT, so they will do that.

Mr. Funkhouser said there is a 1984 document that describes the various segments of roads that are parsed back and forth.

Derek Pierce

Mr. Pierce said Ms. Monahan is correct. We don't have tenure rules, certainly within parcels for evidence of activity. He thinks the same probably applies to utility corridors, unless there is an extenuating circumstance. He said it would have been helpful, rather than getting a repeat of OAS's report, to get a copy of Lange's 1981 Survey that cleared the corridor in the first place, so we could see exactly where and how it was done – to see what the methodology was and if it really does cover the full area you are hoping to exclude. He said if the methodology is there and the coverage good, "I think this is a reasonable request."

Ms. Ramirez-Thomas said she read two reports, one of which is Lange's report, NMCRIS 15017. She said both were School for Advanced Research projects, and the methodology was quite good.

Mr. Pierce asked if she remembers the transect intervals.

Ms. Ramirez-Thomas said they were 10 or 15 meters. The results were done for the modification of the field, which has 4 feet of fill, because it was for the Magers Field Complex. She said the exposed banks were inspected, and no archaeological materials were detected. She said, with regard to the Whitmore report, NMCRIS 15400, they did 100 meters on either side from St. Francis to Bishop's Lodge Road.

Mr. Pierce said in the future when we're going to be asked to consider clearance based on previous surveys, we would like to have that survey.

Mr. Reynolds reiterated this is a very unusual one for them. They usually are straightforward, begin a monitoring plan and go through it. He said after really looking at the old surveys report, he apologized for not having more of the previous research done on the [inaudible]

Jake Ivey

Mr. Ivey said it sounds like we have a resolution.

Chair Eck

Chair Eck said in looking through this, and being as familiar as a casual observer can be with that stretch of road from the intersection at the Federal Building up through the full extent of your project, because it is between here and where the Fuego play baseball. And it's where he walks from here to there. He said a lot of it looks like it may have been not only disturbed, but some of it looks like it was added.

Mr. Reynolds said there was the big Corps of Engineer project and there was a dam up on the south side of the field at one point. He said there is a lot of disturbance in the area, and that was one thing that was in the previous report, but they really did pay a lot of attention to that, and that coupled with the arroyo inspection and they would be okay with it.

MOTION: Gary Funkhouser moved, seconded by Derek Pierce, with respect to Case #AR-08-16, to approve the amendment to the monitoring proposal for PNM Fort Marcy 11 - Murales St. Faulted Cable Replacement, as requested, finding that is in compliance with procedures for Historic Downtown District Reconnaissance 14-3.13(C)(4)(a) and (b), and procedures for Suburban area reconnaissance 14-3.13(C)(5)(a) and (b) of the Santa Fe Land Development Code.

VOTE: The motion was approved unanimously on a voice vote.

3) CASE #AR-09-16. REQUEST FOR APPROVAL OF MONITORING PLAN FOR THE REPLACEMENT OF A COMCAST CONDUIT ON OTERO STREET. HISTORIC DOWNTOWN REVIEW DISTRICT. OAS, AGENT FOR COMCAST, REQUESTS APPROVAL OF A MONITORING PLAN FOR 81 METERS (266 FEET) OF CABLE REPLACEMENT.

BACKGROUND & SUMMARY

The Office of Archaeological Studies proposes to monitor the replacement of a Comcast conduit on Otero Street at the intersection of Otero Street and Marcy Street.

STAFF RECOMMENDATION

Staff recommends approval of the monitoring proposal, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance for utility mains under 14-3.13(B)(4)(a).

Chair Eck thanked Ms. Ramirez-Thomas for the staff report, and asked if she has anything further to add and she said no.

Chair Eck asked Ms. Badner if she has anything to add.

Jessica Badner, OAS, said she really wasn't involved with this project, and has nothing to add, and will try to answer any questions.

Tess Monahan

Ms. Monahan said she has no additional comment.

Gary Funkhouser

Mr. Funkhouser said he has no additional comment.

Derek Pierce

Mr. Pierce said this is the placement of existing lines, and somebody was wise enough and old enough to realize it wasn't surveyed the first time around and did the right thing this time. He said, "The other thing that kind of threw me because I'm not familiar with cable lingo, was the talk of drifting a line from the pedestal(?) to the dog house, and it took me a while to figure out what that was." He said he had visions of somebody putting the Animal Planet in their dog's house. He said he is glad somebody took the time to research it and figure out it was not monitored the first time around.

Jake Ivey

Mr. Ivey said he has no further comment.

Chair Eck

Chair Eck said he has no further comment.

MOTION: Derek Pierce moved, seconded by Gary Funkhouser, with respect to Case #AR-09-2016, to approve the Monitoring Proposal for the Comcast conduit on Otero Street, finding it meets the intent of the City of Santa Fe Archaeological Review District Ordinance for utility mains under 14-3.13(B)(4)(a).

VOTE: The motion was approved unanimously on a voice vote.

G. DISCUSSION ITEMS

1. DISCUSSION OF THE SANTA FE ARCHAEOLOGICAL REVIEW DISTRICTS OVERLAY ZONING ORDINANCE DRAFT (SECTION 14-3.13).

Ms. Ramirez-Thomas said she has been looking at the archaeology ordinances of other cities to get some sense of what they are they are doing with, and how they are dealing with, utilities. She said in terms of formative and prescriptive language, a lot of them are formative based assessments of what needs to be done. She said Alexandria, Virginia requires a pre-consultation with the ordinance office, and the background research of the archaeology, and a survey if it is applicable. They then bring the results of their research and the survey to the committee or commission that will decide the treatment or mitigation or whatever needs to happen at that point,

and determine if the appropriate action would work for an activity. So there could be an evaluation of proximity of sites, and there could be less emphasis on the prescriptive linear footage. She said we have agreed that there has to be monitoring downtown, and there is no 50-foot threshold, commenting she will draft that for the next meeting so Mr. Shandler can have time to deal with it. She said she also looked at what Scottsdale does, noting Scottsdale has a very detailed ordinance which she can include in the next packet.

Ms. Ramirez-Thomas said staff is in the process of drafting the ordinance, and looking at utility lines and how they should be managed in regard to archaeological resources, so this why the PNM case is pertinent to a discussion about the exemption of a certain part. She said these things help us formulate substance in regard to decisions to be made.

Ms. Monahan said she doesn't see that we have anything to decide, pointing out we don't have proposed language, and we don't know what the issues what people are concerned about.

Ms. Ramirez-Thomas said the Water Division attorney has expressed concern, regarding Case #AR-07-16, that due process may have been violated. She said she had asked the Water Division to include Lugar to Monte Vista. She asked Eric Ulibarri who was at the last meeting about this, and he said he contacted Ron Winters and that was added to the Report. She said we had the ARC meeting where the ARC made a decision on that report, and nobody was here from the Water Division to contest it because as far as she can tell, they do not contest it. However, the attorney feels due process was violated, and because the water line was almost surely placed in the ground prior to 1987, it isn't subject to any kind of archaeological work. She said Mr. Shandler is working on that, noting he is in Albuquerque and the reason he's running late today.

Ms. Ramirez-Thomas continued, saying we are still in the position of discussing the Ordinance and linear utilities, so she was looking at the other state and local governments to see how they handle utilities.

Ms. Monahan said she thinks it's premature because we don't have the language or the technical expertise to understand the implications, but this is her opinion.

Mr. Ivey said, "I second that."

Chair Eck said, "Well stated."

Mr. Pierce said he likes the idea of seeing how other communities deal with utilities.

[Too many people talking at the same time here to transcribe]

Mr. Pierce said frankly, he is tired of this Committee spinning its wheels on this issue, and it's bogging us down, so, "if somebody else has already solved it, I'm all ears. Give us copies for the next meeting."

Chair Eck would like that information prior to the next meeting.

Ms. Ramirez-Thomas said she didn't print anything to bring to the committee, because she wanted to bring it up, see how the Committee felt about it, and at the next meeting provide draft language.

Mr. Funkhouser said he thinks the subcommittee did an excellent job of going through the Ordinance, and he thinks it is time to move forward and put it out for public opinion.

Mr. Funkhouser noted he has resigned from the Committee, effective in June, and he would like to see this is done before he leaves.

Ms. Ramirez-Thomas asked if it is the preference of this Committee that we prepare a final draft of the Ordinance and bring it to this Committee at its next meeting for discussion. She said this is new to this process, but knows the Committee has been working on this for a long time, so she doesn't have context.

Chair Eck said he shares Mr. Funkhouser's feelings. He said he feels we are 'flogging a dead horse, and he wants to present a product, move it out of the Committee to initiate the process of doing whatever is needed to notify the public and ask for comment – advertise, post, or publish, whatever is appropriate. He would like to structure the Agenda for the next meeting to have the approval of the Ordinance as an action item, so we can consider and decide whether to move the Ordinance forward in "whatever condition it reaches in the next meeting."

Mr. Funkhouser asked if we will have a second meeting this month.

Ms. Ramirez-Thomas said no, because of the Heritage Preservation Awards.

Ms. Ramirez-Thomas said then the Committee wants a complete draft, and asked if they want to look at other Ordinances.

Chair Eck said it would be good to look at other ordinances, and asked her to email those to the members. He said at the next meeting we can have one last shot at tweaking the language of the Ordinance. He said, "But I really want to be able to moving the thing out of here."

Ms. Monahan said we want it in the community for discussion so we can get support for the Ordinance, commenting if we don't have support for the rewrite all the work will "be for naught and then go under the bridge." She said she thinks the Ordinance looks great and it is so much better than it was, even if we don't do anything else to it.

Mr. Funkhouser said he thinks it came back from our discussions in great shape.

Chair Eck said the Ordinance is in good shape, largely due to the efforts of staff, Zack Shandler, Lisa Roach and now Nicole Ramirez-Thomas. He said Mr. Shandler is really good in rendering "jibber-jabber" into language in the Ordinance.

Ms. Ramirez-Thomas said she received a phone call from an archaeologist, regarding another archaeologist for their project who is not listed on the approved list of archaeologists, and looking for guidance. They want to know if that is allowed, and how do people get experience in order to be listed.

Chair Eck said anybody can be staff if they are supervised by someone who is physically present, by someone who is on the list. "Otherwise, it is definitely *verboten*."

Ms. Ramirez-Thomas asked if there is a certain number of months or projects – is anything prescriptive.

Chair Eck said, "Whatever is in the Ordinance, as written."

Mr. Funkhouser said in an effort to increase the list, this Committee has loosened the requirements as much as possible to allow people to work downtown.

Mr. Pierce said it is up to the person to read the Ordinance, decide if they think they are qualified and apply.

Ms. Monahan said they have to figure out how to get that experience, but we certainly can't tell them.

Chair Eck said if they're working for who is listed, that person should be doing everything possible to foster the documentation of the role, responsibility, activity, experience, so they can help that person to get on the list.

Ms. Ramirez-Thomas said she did contact that person, and asked her to make a presentation to this Committee, so she can be considered for listing on the approved list.

Chair Eck asked the members if they further remarks dealing with the Ordinance as presented in draft.

There was no further discussion regarding the proposed Ordinance.

H. MATTERS FROM THE COMMITTEE

Mr. Funkhouser said he has submitted his resignation, saying may be about to assume responsibilities that make his position a conflict of interest, permanently. He said his job description has changed, so it would be problematic for him to stay on this Committee.

Mr. Funkhouser said there is a diminishing population of those to serve on this Committee. He said we need to have some young people on the Committee. He said he has enjoyed serving on the Committee, and he will stay on the Committee as long as possible.

Ms. Monahan thanked him for his participation on the Committee and the guidance he has provided.

Chair Eck asked Committee members to give their suggestions to Nicole, if any, for people to serve on the Committee.

Ms. Ramirez-Thomas said she will send an email regarding the vacancy to everyone on the approved list.

I. ADMINISTRATIVE MATTERS AND COMMUNICATIONS

- 1. Reminder to submit a letter of interest to renew term.
- 2. Nominations for the 2016 Heritage Preservation Awards Vote.

Ms. Ramirez-Thomas said the Heritage Preservation Awards will be given on May 19, 2016. She said 4 nominations were received, which were included in the packet. She asked that the Committee make a decision this evening with regard to the nominations.

J. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Jake Ivey moved, seconded by Tess Monahan, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:30 p.m.

David Eck, Chair

Melessia Helberg, Stenographer