

MINUTES

**HARRISBURG ARCHITECTURAL REVIEW BOARD
REGULAR MEETING
September 12, 2022
THE MARTIN LUTHER KING, JR. CITY GOVERNMENT CENTER
CITY COUNCIL CHAMBERS**

MEMBERS PRESENT: Trina Gribble, Chair
Bruce Henry, Assistant Codes Administrator
Kali Tennis (attended remotely via Microsoft Teams)
April Rucker

MEMBERS ABSENT: Camille Bennett

STAFF PRESENT: Geoffrey Knight, Planning Director
Stephen Ekema-Agbaw, Senior Deputy City Solicitor

OTHERS PRESENT: See Sign-In Sheet

CALL TO ORDER: 6:07 PM

APPROVAL OF MINUTES:

Mrs. Tennis noted requested a correction in the minutes; she noted that they stated that she needed to “mentally prepare” which should be revised to read “fully prepare.” Mr. Henry moved, and Ms. Rucker seconded the motion, to Approve the minutes from the August 1, 2022 meeting with corrections. The motion was adopted by unanimous vote (4-0).

OLD BUSINESS: N/A

NEW BUSINESS:

- 1. 424 Boas Street, filed by Justin Smith, to replace the existing standing seam metal roof on the front gable roof with asphalt shingles.**

The case was represented by Justin Smith (the property owner), 424 Boas Street, Harrisburg, PA 17102 (aka “the Applicant”).

Mr. Knight gave a synopsis of the case report recommending the request be Denied.

Mrs. Gribble asked the Applicant whether they wanted to provide additional information on the proposal. The Applicant stated that he brought additional documentation, which was not included with the application submission packet, that demonstrated the roofs on the block originally had wooden shingles. He stated that a property five houses down from his had had a mansard roof added over the previous gable roof on the front of the property at some point in the past, and that photos his neighbor provided demonstrated that there may have been wooden shingles on the

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block. He asked whether the Board would grant approval for modern shingles that looked like wooden shingles if he was able to provide documentation.

Mrs. Gribble stated that she would be willing to consider an amended request, but noted that she had no information related to the wooden shingles to review or base a decision upon. The Applicant stated that he brought photographic evidence of the wooden shingles, and that he had received the photos from his neighbor. He noted that he only had one copy of the documentation and approached the Board members to show them the photos. Mrs. Gribble asked for the specific address for the property with the wooden shingles; the Applicant stated that it was 434 Boas Street. Mrs. Gribble noted that she wasn't sure whether the photos showed wooden shingles or roofing substrate.

Mrs. Tennis stated that it appeared the shingles were visible in the photos included in the Planning Bureau's case report; Mrs. Gribble noted that the Applicant was describing additional information that the Applicant had brought to the meeting and was not included with the application materials. Mrs. Tennis noted that a photo in the application packet showed a shingled roof; Mr. Knight clarified that the photos in the case report were different from the ones the Applicant was discussing.

Mrs. Tennis asked the Applicant whether he was stating that the subject property originally had wooden shingles, or that there was a different property with wooden shingles. The Applicant confirmed that none of the existing structures on the block had wooden shingles, but that a nearby property which had a mansard roof constructed atop an original gable roof with wooden shingles. He also noted that the property beside that one had asphalt shingles that resembled wooden shingles.

Mrs. Gribble noted that the additional information was interesting, but that it was unclear whether the wooden shingles referenced by the Applicant was actually the roofing substrate and not shingles; she noted that more photos might be helpful in confirming that aspect. The Applicant clarified that the edge of the shingles was visible in the photo.

Mrs. Gribble asked whether there were any questions or comments from the other Board members. Mrs. Tennis asked the Applicant was proposing to install wooden cedar shingles; Mr. Knight clarified that the wooden shingles being discussed were on a nearby property, and that the Applicant was proposing to install asphalt shingles on the subject property.

Mrs. Tennis asked whether the Applicant was proposing a different product than what was presented in their submittal packet as an alternative to a standing seam metal roof. The Applicant stated that while the original proposal was for standard asphalt shingles, he would be willing to compromise on asphalt shingles that mimicked wooden shingles. Mrs. Tennis stated that she had never seen such a product and that she couldn't make a decision without more documentation. The Applicant stated that a roof visible in the Planning Bureau's case report had similar shingles to what he was considering; Mr. Knight confirmed that one of the houses in the block on which the subject property was located featured asphalt shingles, and was partially visible in the case report.

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Ms. Rucker asked whether the Applicant would be willing to install a metal roof; he stated that a metal roof would be more expensive and thus he wouldn't be able to fix the roof as quickly, which might lead to more damage.

Mrs. Tennis asked the Applicant to discuss the current state of the roof, noting that the existing conditions photos seemed to show rust and pitting in the metal. He stated that there was rust and that there was active leaking in the front right corner of the roof, and that there may be pests getting in through holes. The Applicant stated that it was likely his roof was the oldest in the row of attached homes.

Mrs. Gribble stated that she was willing to discuss an alternative material, but that the Board did not have enough information to act on that proposal. She stated that the Board could either make a determination on the current asphalt shingle proposal or table a review of the project until the following month's meeting. Mr. Knight stated that it would be up to the Board on how to move forward, but that if the Applicant wanted to propose a different roofing material than what was in the original submission, he would recommend continuing the review of the project until the next meeting. Mr. Knight noted that it would provide the Applicant with the opportunity to provide more information and to provide evidence that wooden shingles were once installed on the subject property. He noted that the Applicant had referenced a nearby property as justification for a new roofing material, but that there were several types of historic roofs on the block and there was no evidence that wooden shingles on a separate property meant they were installed on the subject property as well. Mr. Knight noted that if the Applicant was able to provide evidence of wooden shingles on the subject property, the Board could consider that in deciding whether to allow an alternative roofing material.

Mrs. Gribble moved, and Ms. Rucker seconded the motion, to Table the review of the application until the October HARB meeting. Mrs. Tennis asked the Applicant to bring a sample of the alternative shingle material. The motion was adopted by a unanimous vote (4-0).

- 2. 925 Bartine Street, filed by Ave Bryce, to renovate the entire structure, including demolition and in-kind reconstruction of rear addition (which was administratively approved in May 2022) with minor proposed changes including the replacement of the existing first-floor window with a Craftsman-style, Fibrex door. The project will also include the replacement of existing one-over-one windows on the front façade with six-over-six windows and replacement of the existing front door with a Craftsman-style, Fibrex door.**

The case was represented by Matt Long with Harrisburg Commercial Interiors (the contractor), 126 Walnut Street, Harrisburg, PA 17101 (aka "the Applicant").

Mr. Knight gave a synopsis of the case report recommending the request be Approved with the following conditions:

1. The Applicant shall utilize a paneled Fibrex door for the front entrance, similar to those of adjacent properties; as the building architecture is not Craftsman, having a door of that style would introduce a conjectural feature on a primary elevation.

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Mrs. Gribble asked the Applicant whether they wanted to provide additional information on the proposal or ask any questions regarding the Planning Bureau’s case report. The Applicant stated that the Craftsman-style front door had been proposed in error, and that they intended to replace the existing front door with a solid wooden door that replicated the appearance of the two adjacent buildings at 921 & 923 Bartine Street. He stated that they were proposing to use the same style and material of windows that were approved by the Board in 2021 for the property at 921 Bartine Street. The Applicant stated that they were proposing a new door for the rear of the building based on the internal configuration of the building; they noted that the rear addition was only eight feet wide, and that it was necessary to relocate the door from the side to the rear elevation to allow the installation of a galley kitchen. He noted that the rear door would be minimally-visible from Union Street.

Mrs. Gribble asked whether there were any questions or comments from the other Board members. Mrs. Gribble asked whether the proposed windows would be wood or Fibrex; the Applicant confirmed that they would be the same Fibrex windows used in the property at 921 Bartine Street.

Mrs. Tennis asked the Applicant whether the conditions were acceptable; the Applicant confirmed that they were.

Ms. Rucker moved, and Mr. Henry seconded the motion, to Approve with Staff Conditions. The motion was adopted by a majority vote (3-0-1; Mrs. Tennis abstained).

3. 920 North 3rd Street, filed by Kelsey Tatge with theBurg News, to install a 28-square-foot aluminum composite material (ACM) sign with a foam logo advertising the business name; the wall sign will be anchored by one-inch bolts to the metal trim around the large transoms above the storefront.

The case was represented by Lawrence Binda & Kelsey Tatge with theBurg News (the property tenant), 920 North 3rd Street, Harrisburg, PA 17102 (aka “the Applicants”).

Mr. Knight gave a synopsis of the case report recommending the request be Approved.

Mrs. Gribble asked the Applicants whether they wanted to provide additional information on the proposal or ask any questions regarding the Planning Bureau’s case report. The Applicants stated that they had nothing to add.

Mrs. Gribble asked whether there were any questions or comments from the other Board members. Mrs. Tennis inquired about the dimensions of the proposed signage; the Applicants stated that the sign would be 35½ inches tall by 100 inches wide. Mrs. Tennis asked whether the Applicants had an image of the proposed signage; Mr. Knight noted that he had included the rendering of the proposed signage in the packet that was posted on the Planning Bureau’s webpage. Mrs. Tennis noted that the packets available online did not include the supplemental documentation with the case report. Mr. Knight presented the proposed signage rendering to the Board members.

Mr. Henry moved, and Ms. Rucker seconded the motion, to Approve. The motion was adopted by a unanimous vote (4-0).

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- 4. 1819 Susquehanna Street, filed by Chris Dawson with Chris Dawson Architect, to do a full renovation of a deteriorated, single-family dwelling including: the removal of the formstone façade, widening the front stoop, installation of full-view doors in the front and rear, and installation of a mini-split condenser unit on the second-floor rear porch.**

The case was represented by Benjamin Butler (the property contractor), 120 Walnut Street, Harrisburg, PA 17101; Chris Dawson with Chris Dawson Architect (the project architect), 300 North 2nd Street, Harrisburg, PA 17101; and William Aldrich, 1301 Hollow Road, Newport, PA 17074 (aka “the Applicants”).

Mr. Knight gave a synopsis of the case report recommending the request be Approved.

Mrs. Gribble asked the Applicants whether they wanted to provide additional information on the proposal or ask any questions regarding the Planning Bureau’s case report. The Applicants confirmed that the building was in a blighted condition and stated that they were trying to re-establish it as a contributing structure. They stated that they were happy to answer any questions the Board may have.

Mrs. Gribble asked whether the siding on the dormers was wood or vinyl. The Applicants stated that they hadn’t investigated that aspect of the building closely, but that it appeared to be wood siding; they noted that they weren’t intending to do any work on that aspect.

Mrs. Gribble asked Planning Bureau staff whether the case report addressed the railing on the rear, second-floor porch. Mr. Knight stated that he had discussed the project with the architect and that the project would involve the installation of wooden railings; the Applicants confirmed that they were intending to install metal railings as an in-kind replacement.

Mrs. Gribble asked whether the Applicants were planning on retaining or remaking the brackets at the top of the columns on the rear porch, referencing the features in the existing conditions photos provided by the Applicants. She noted that the elevation plans provided by the Applicants indicated that there would be no support posts on the rear deck, which she felt were important character-defining features of the structure. Mrs. Gribble recommended that the Applicants work posts into the final design; the Applicants noted that they hadn’t given those elements much consideration, but stated that they felt they could be included. They noted that the posts had deteriorated even further than their condition in the photos, and that they were barely attached to the deck.

Mrs. Tennis reiterated that there were no drawings in the packets available on the Planning Bureau’s webpage; Mr. Knight again apologized for the oversight in not having the entire case packet linked to the HARB agenda.

Mrs. Tennis stated that she was very appreciative of the Applicants intentions to rehabilitate a severely deteriorated property, and commended the Applicants for their proposal.

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Mrs. Tennis moved to Approve with Staff Conditions; Mr. Knight noted that he had noted included conditions of approval. Mrs. Tennis then moved to Approve; Ms. Rucker seconded the motion. Mrs. Gribble then noted that the proposal did not include the posts on the rear porch, and proposed an amendment to require the inclusion of posts featuring brackets at the top on the reconstructed second-floor porch in the rear of the building. Mr. Ekema-Agbaw noted that Mrs. Gribble was proposing to add a condition on an existing motion, and that the Board would have to vote separately on the motion to Approve the project as-is.

Mr. Henry asked if Mrs. Gribble was able to add a condition to the existing motion, or whether she would have to make a new motion that included a condition regarding the posts and brackets. Mr. Ekema-Agbaw confirmed that Mrs. Gribble could propose a separate motion to add a condition requiring posts and brackets, and that the Board would then take up the original motion with the condition if it passed. Mrs. Gribble stated that she did want to amend the initial motion to require the Applicant to replicate the posts and brackets on the rear porch.

Mrs. Tennis stated that she couldn't hear the discussion and wasn't sure whether her initial motion had been approved; Mr. Knight reiterated the condition the Mrs. Gribble wanted to add to her original motion. Mrs. Tennis asked whether the porch was in the rear of the building, which Mr. Knight confirmed, and then asked which street the porch was visible from; Mr. Knight confirmed that since it was a corner property, the rear of the building was visible from Dauphin Street. Mrs. Tennis stated that given the condition of the property, she didn't want to create an additional requirement for the Applicants, and stated that she didn't think the condition made sense within that context.

Mr. Ekema-Agbaw reiterated that the current motion on the floor was to adopt an amendment to the initial motion. If that vote passed, then the original motion to Approve the project, with the amendment that was the subject of the first vote, would be taken up.

Mrs. Gribble moved, and Mr. Henry seconded the motion, to Approve with Additional Conditions, specifically that the Applicant would install a middle post featuring brackets at the top on the reconstructed second-floor porch in the rear of the building. The motion to include the additional condition resulted a tie vote (2-2), and thus did not pass.

Mrs. Gribble stated that the Board would take up the initial motion to Approve the project without conditions. Mr. Henry asked the Applicants how solid the roof rafters were and whether the posts would be necessary. They noted that the roof was in bad condition and that there were holes above the porch, and confirmed that the porch would be reframed, which was why they had not included posts in the design. There was a vote on the initial motion to Approve the project without conditions. The motion was adopted by a majority vote (3-1).

- 5. 1716 Green Street, filed by Tim Riley with The Neher Group, to replace all the existing windows with clad wood windows, and to remove the existing wooden, divided lite storm window from the large, first-floor window.**

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The case was represented by Ken Myers with Pella Windows (the contractor), 802 Old Cricket Road, Lewisberry, PA 17339; and Kristyn & Adam Nichols (the property owners), 1716 Green Street, Harrisburg, PA 17102 (aka “the Applicants”).

Mr. Knight gave a synopsis of the case report recommending the request be Approved with the following conditions:

1. The Applicant will retain the unique, historic, wooden storm windows on the first-floor windows on the front, rear, and side elevations, which are all visible from surrounding public rights-of-way. While the Board would not have the authority to require these storm windows on those windows not visible from the public right-of-way, the Bureau would strongly advise the Applicant to retain and repair those as well.

Mrs. Gribble asked the Applicants whether they wanted to provide additional information on the proposal or ask any questions regarding the Planning Bureau’s case report. The Applicants brought a cross-sectional sample of the proposed window so that Board members could see the product and the material; he presented it to the Board members individually. The Applicants noted that the product would be similar to the sample, with the window being solid wood and clad in a metal.

They stated that they did not want to retain the wooden storm windows, and noted that those were not actually part of the window sash, but were affixed to the exterior of the window frame, and functioned more as a decorative sash. The Applicants noted that the front wooden storm window was severely deteriorated to the point it would likely fall apart if it were removed.

Mrs. Gribble inquired about the cladding material; the Applicants stated that it was an Endura-clad material with a powder-coated finish. Ms. Rucker asked if the cladding material was paintable, and the Applicant confirmed that it was.

Mrs. Gribble inquired about the pane configuration; the Applicants confirmed that the proposed windows would be one-over-one which matched the pane configuration of the existing windows on-site.

Mrs. Gribble stated that she wanted to return to the discussion of the existing storm windows, and asked the Applicants if they could further discuss that aspect of the project. They reiterated that the storm windows were an exterior feature of the house, and noted that all of the windows in the house were glued shut and were inoperable. They noted that the house did not have air conditioning and that they were intending on opening windows to provide air flow through the house; they also noted that the windows being glued shut might be an issue in the event of an emergency such as a fire. The Applicants agreed that the windows were unique historic aspects of the property, but noted that they would require a substantial investment to rehabilitate to an appropriate level of operability; they stated that the wooden storm windows had limited aesthetic value and were mainly functioning as double-paned windows. They reiterated that they would prefer to not have a condition requiring them to be retained, but noted that they intended to save them for future use around the property.

Mrs. Gribble noted that some of the interior photos of the home provided by the Applicants showed two-over-two windows, and asked whether that appearance was created by the storm windows.

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The Applicants confirmed that was the case, and the contractor noted that his company always tried to match the existing pane configuration of windows during their installation projects.

Mrs. Gribble asked Planning Bureau staff whether the wooden storm windows were original to the property; Mr. Knight noted that the case report only indicated that they were unique and historic aspects of the house, and noted that it would be difficult to ascertain whether they were actually original to the property. He noted that the subject property was the only one he could recall with these specific types of historic windows, and specifically divided lite, wooden storm windows. He stated that he appreciated the Applicant's perspective in that if they were significantly deteriorated and in danger of falling apart, and that they would need to be moved frequently to allow natural air flow through the home, that it was understandable if they would be removed. Mr. Knight reemphasized the uniqueness of these historic elements, and stated that the Applicants should find a way to adaptively reuse them on-site.

Ms. Rucker asked whether wooden storm windows were available for purchase; the Applicants stated that the windows were likely custom-made for the property. The contractor noted that the project proposed the installation of energy-efficient windows, and that installing a storm window on the exterior of an energy-efficient window would result in trapping heating and further damaging the storm window.

Mrs. Gribble asked whether there were any questions or comments from the other Board members. Mrs. Tennis asked whether the storm windows could be removed and donated to the Historic Harrisburg Association for potential reuse elsewhere; she also suggested adaptively reusing the storm windows in an art installation. The Applicant stated that they had no intentions of throwing the piece away and intended on reusing it on-site.

Mrs. Gribble noted that there seemed to be a consensus on removing Condition #1 in the Board's resolution. Mrs. Tennis stated that

Mrs. Gribble clarified that the Board was being asked to approve an aluminum-clad wooden window, and that the product was not a wood window, and she noted that the Board had not usually approved such proposals in the past. Mr. Knight acknowledged that the consideration of these products had divided the Board in the past, and noted that in some past cases, projects had proposed only aluminum windows without wood components, which differentiated the current request from those projects. He also noted that he had reviewed the proposal from the perspective outlined in the case report, that recommended retaining the storm windows, which would minimize the appearance of the window cladding. Mr. Knight noted that ultimately the Board had to determine whether they were comfortable with approving this specific material.

The Applicants noted that wood windows were currently only installed on the first floor, and that the second- and third-floor featured aluminum windows that were sagging and creating issues with the window openings.

Mrs. Gribble asked whether the Board members had any concerns with the aluminum cladding. Mrs. Tennis stated that she had no concerns about the proposed product. Mrs. Gribble noted that many newer windows utilized softer wood than historic wood windows, and noted that the

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proposed aluminum cladding would help with the longevity of the windows. She also noted that because the new windows would feature a one-over-one pane configuration, the aluminum cladding would be much less visible than if the proposed windows featured divided lite muntin bars; Mrs. Gribble stated that she believed she could support the project, but cautioned the Board that they might be establishing a precedent for future proposals.

Mr. Knight noted the differentiation between a hollow aluminum window and an aluminum-clad, wooden window, and suggested that the Board include a condition that the application is being approved in part due to the specific composition of the product and that approval would not justify the installation of full aluminum windows in the future. Ms. Rucker reminded the Board that the cladding material was also paintable, which was a primary consideration for the Board in the approval of alternative materials.

Ms. Rucker moved, and Mr. Henry seconded the motion, to Approve with Additional Conditions; the additional conditions were that: 1) Condition #1 from the Planning Bureau's case report would be removed; and 2) the Board was approving the specific product based on its materiality and not the general appearance of the product from the public right-of-way, and thus it would not become a precedent based on that aspect. The motion was adopted by a unanimous vote (4-0).

OTHER BUSINESS:

1. Discussion of HARB by-laws and vote to adopt amendments

Mrs. Gribble asked Mr. Knight to discuss the draft document that he had circulated to the Board and the recommended revisions that he had received from Board members. Mr. Knight noted that the draft version of the document reflected the Board's comments from the August 1st meeting, as well as initial responses to the edited version distributed to the Board members via email, so that Board members could affirm that the revisions addressed their comments.

Mrs. Tennis asked whether Mr. Knight could forward the document he was referencing, so that she could follow along with the rest of the Board members; Mr. Knight noted that the draft by-laws had been linked to the HARB agenda on the website.

Mr. Knight noted that after the draft document was circulated, two additional revisions were suggested by Board members: one expanding the language regarding conflicts of interest, which he noted had been added to the draft document, and one clarifying the residency requirements for members of the Board. Mr. Knight asked Mrs. Gribble for clarification on what the specific changes she was referencing; she noted that the language at the end of Article 2 only referenced a residency exemption for the Codes Inspector, and that all the professional positions (including the required realtor and architect) were exempt from the residency requirement. Mr. Knight stated that Mrs. Gribble was correct.

Ms. Rucker asked whether the non-professional Board members also had to be residents of historic districts, or whether they could just reside anywhere in the city. Mr. Knight noted that the Board had discussed the issue at the previous meeting, and noted that Board members should be residents of the districts so that they were subject to the same regulations and standards that the Board applied in their reviews.

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Mr. Knight noted that Mrs. Gribble had indicated there was redundancy in Article 2 of the by-laws and asked her to identify that language. She stated that the first two sentences sounded as though they were addressing the same issue, and Mr. Knight noted that the first sentence outlined the number of members and their qualifications, while the second sentence clarified that the non-professional members would need to be residents. Mrs. Gribble also noted that references to the “Building Inspector” should be changed to “Code Inspector.”

Mr. Knight noted that Mrs. Tennis had sent a recent email recommending some additional changes to the conflicts of interest section outlined in Article 6, and asked her to review those proposals. Mrs. Tennis noted that the email she sent had proposed language, and noted that the revisions she had included in the follow-up email were specific draft language intended to more fully developed her original recommendations.

Mr. Knight noted that Mrs. Tennis had included additional questions regarding the disclosure of conflicts of interest and asked whether the Board wanted to discuss those specific recommendations. Ms. Rucker asked whether the intention was to disclose all potential personal and/or business conflicts, and Mr. Knight stated that he believed that was the purpose. He stated that the three questions were: 1) when would disclosure occur outside of an annual report occur; 2) how personal or business interests were defined by the Board; and 3) what was the threshold after which conflicts of interest would require recusal.

Mrs. Gribble stated that in the interest of transparency, she felt it was important to disclose where Board members worked and who their immediate family members were, but noted that she wasn’t sure what a form detailing that information would look like. Mr. Knight noted that it would be difficult to outline all potential conflicts of interest within the snapshot of time provided by an annual form, and that conflicts of interest may arise after the filing of such a report, reducing the utility of such a form. He noted that this might cause issues for the professional designees in particular.

Mrs. Tennis stated that an annual form was not supposed to predict future conflicts, but to establish “standing” conflicts; she stated that if a Board member owned stock in a particular product that was regularly reviewed by the Board or was a shareholder in a local real estate company, that the annual report would disclose that conflict. She stated that if a conflict arose in a specific case, that it could be disclosed by the Applicant or Board member. Mrs. Tennis stated that the primary intention was transparency to avoid the appearance of conflict and the administrative burden of having to review conflicts of interest at the beginning of meetings and potentially cause quorum issues if a member had to recuse themselves.

Mr. Knight stated that he felt it would be difficult to attain the level of detail and completeness that Mrs. Tennis was proposing in an administrative fashion, providing some examples of the complexity that the approach would require. Mr. Knight stated that the establishment of an annual form that attempted to anticipate potential conflicts of interest would create more administrative burden than it would alleviate. Mrs. Tennis stated that she was trying to envision all potential conflicts, it was just to create transparency; she stated that she didn’t want the Board to learn of conflicts in the middle of a case review, and felt it was necessary to establish a threshold regarding

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conflicts of interest. She stated it was important to have the conversation prior to the issue arising. Mrs. Tennis stated that even if there were no changes to the by-laws, it was important to define the concept of thresholds for conflicts of interest.

Mr. Knight agreed that establishing the threshold for conflicts of interest was important but that he felt an annual form was not required and that Board members would have the integrity to announce a conflict prior to a case being heard. Mrs. Gribble noted that when Board members testified before City Council during their nomination and appointment hearings, they had to discuss their potential conflicts of interest.

Mr. Knight reiterated that he felt establishing a clear threshold for conflicts of interest was the most imperative issue, noting that the other issues all built upon that. He noted that the narrower the threshold was, the more easily it could be defined, codified, and followed, whereas a broader determination would introduce more ambiguity.

Mr. Henry stated that he felt conflicts should include familial and financial ties, and that they should be communicated to the Board as far in advance as possible.

Mrs. Gribble stated that she didn't feel that the threshold should include friends, noting that the State promulgated a fairly narrow definition of conflicts of interest; she noted that she did not think the threshold should include friends, as she was friends with many individuals in the area, some of which might present before the Board. Mr. Knight confirmed that the State's definition for conflicts of interest only included family members.

Mr. Ekema-Agbaw concurred and stated that the issue could become very nuanced; he noted that the discussion the Board was currently having went beyond even the State's scope of consideration. He noted that the State's regulations clarified that a "de minimis economic impact" did not constitute a conflict of interest, which was an "economic consequence with insignificant effect." He reiterated that there was no hard and fast rule for what constituted conflict of interest, that the issue could be dynamic and complex, and thus that the Board was attempting to undertake a challenging effort in bringing more specific clarity. Mrs. Tennis stated that if it were context-specific, the Board should look at all the instances in which conflicts occurred and codify those.

Mr. Knight referenced Mr. Henry's comments on the distinction between family and friends, and noted that during a presentation given to City staff by the State Ethics Officer, he felt it was unusual that close friends were excluded from the definition whereas someone such as a grandparent wouldn't be, and he noted that it was much more likely that there would be a close financial relationship with the former rather than the latter. Mr. Ekema-Agbaw noted that the State's regulations didn't mean that relationships with friends weren't covered, and that ethics violations could still occur with non-familial relationships, but that the legal definition of "friend" was vague, whereas familial relationships were more clearly defined.

Mr. Knight also referenced Mr. Henry's comment regarding the timing of notifications of conflicts of interest, and stated that members should notify the rest of the Board and City staff of actual or potential conflicts between the time that the agendas were finalized and the meeting packets were delivered to members. He noted that the advance notice was important because while the Board

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may have enough members to establish a quorum to start the meeting, if a member did not state a conflict and recuse themselves until a meeting had started, they might have to postpone a review of that particular case. Mr. Knight noted that advance notice would not only benefit the Board and City staff, but the Applicant as well. The Board members all agreed that advance notice was important. Mrs. Tennis stated that it would be helpful to allow Applicants to state any potential conflicts; she noted this would interrupt the flow of business and create an administrative burden for City staff. Mr. Knight stated that he appreciated that perspective, but noted that if a conflict was not identified until the last minute, it's likely the conflict would be minor in nature or inconsequential. He stated that the major conflicts of interest that ethics standards were intended to avoid would be apparent to City staff or Board members. Mr. Knight stated that these comments were his perspective and that he was happy to include any recommendations that Board members wanted to put forward.

Mr. Ekema-Agbaw noted that the Board could include language in the by-laws that if a potential conflict of interest was unclear, they could solicit an opinion from the Law Bureau staff. He provided an example, noting that if a conflict occurred which required a Board member recusal that resulted in the loss of a quorum, the recused member could still indicate which way they intended on voting. He noted that if reviews followed that path, there would be legal consideration of administrative procedures to take. Ms. Rucker asked whether Planning Bureau staff could vote in such an event. Mr. Knight noted that he was a non-voting member of the Board and could not participate in making determinations; he added that Law Bureau staff could also not vote on cases.

Mr. Knight noted that the Board always had the option of voting to Continue a case to the following month's meeting, if a quorum could not be reached for a vote on a particular case. Mr. Henry stated that he felt language should be added to the by-laws requiring notification to the Board members and City staff of potential conflicts of interest in a case prior to the meeting. Mr. Knight suggested the language require notification to "the entirety of the Board and City staff prior to the meeting." Mr. Henry concurred with that language. Mrs. Tennis asked whether the notification would occur via email; Mr. Knight confirmed that it would, as there would then be written communication that could be shared and added to the meeting record.

Mrs. Tennis asked who would be responsible for determining the threshold for recusal; Mr. Knight stated that the question went back to the issue of how conflict of interest was determined and reminded the Board that the State Ethics Office had established a narrow definition of direct familial relation, due to the issues inherent in creating a broader definition. Ms. Rucker stated that the Board members should have enough ethical integrity to recuse themselves if there were any hint of a conflict. Mr. Knight noted that while the current Board members might hold those standards, the by-laws were intended to provide guidance and rules for future Board members.

Mr. Knight suggested that if the Board wanted to continue discussing and considering the issues around conflicts of interest, but felt that the other revisions included in the draft document were acceptable, they could vote to adopt the current amendments and then discussing other changes at future meetings. He stated that there seemed to be agreement on all the proposed revisions except for the conflicts of interest, and thus that it would be advisable to adopt those revisions and to continue discussing considerations around conflicts of interest. He noted that Board members may

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want to research ethics regulations for other states, municipalities, or private organizations, and identify rules that would apply to the Board.

Mrs. Tennis stated that a standard of practice was the annual conflict of interest form that had been discussed earlier, which was why she recommended its consideration. Ms. Rucker stated that she didn't feel the adoption of a form was necessary.

Mr. Knight noted that there was an existing method of reporting potential conflicts of interest, the Statement of Financial Interest form, that was supposed to be filled out by all public employees and members of boards, which outlined transactions with government entities or outstanding financial relationships. He noted, however, that HARB members had not traditionally submitted these applications. Ms. Rucker noted that she had submitted those forms during previous public employment, but that she had not submitted any since she retired; Mr. Knight stated the oversight was his fault. He noted that the form was fairly simple and straightforward, and addressed some of the concerns expressed by Mrs. Tennis.

Mrs. Gribble noted that she was in favor of acting on the amendments discussed for Article 2 and Article 6, while continuing to discuss other amendments. Mr. Knight reiterated his perspective that that was the most appropriate path forward for updating the by-laws.

Mrs. Gribble noted that Mrs. Tennis had provided some additional questions regarding the issue of alternate Board members, and that she wished to discuss those prior to taking a vote. Mr. Knight noted that the Board did not currently have alternates and that the issue was not currently relevant, given that the Board had existing vacancies and thus any individuals under consideration as alternate members would simply be appointed to the Board. He noted that in its current configuration with five members, if there was anyone that was considering serving as an alternate, they could simply be appointed to the Board. He reiterated that the scenarios in which an alternate would serve in an emergency capacity were unclear and unlikely. Mr. Knight noted that the Zoning Hearing Board alternates served a different role, and one that was necessitated by the legal requirements of that review process, whereas HARB always had the option of continuing review of an application to a future meeting, an option which was not always available to the Zoning Hearing Board.

Mrs. Gribble stated that if the Board did decide to adopt regulations regarding alternate members, she would prefer that those individuals have institutional knowledge of historic preservation, such as former Board members. She stated that her focus was on filling the current vacancies on the Board, as opposed to addressing a potential surfeit of candidates. Mr. Knight noted that the Board could still consider this issue for future discussion, alongside the consideration of the rules regarding conflicts of interest.

Mrs. Tennis expressed support for Mrs. Gribble's suggestion that the Board consider previous Board members. Mr. Knight agreed, although he noted that former members may no longer meet the requirements in the by-laws or Zoning Code, noting that he was aware of former members who still lived in the city but did not live in any historic districts. He noted that if the Board prioritized institutional knowledge, then the residency requirement was not as important. Mr. Knight reiterated that it was likely an alternate member would only be required once or twice a year at

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most. Mrs. Tennis concurred that the Board could consider relaxing residency requirements for alternate members.

Ms. Rucker reiterated that the Board did not currently have enough members, and that she felt that was more of a priority. Mr. Knight stated that he felt the concept of alternates was a worthwhile discussion, but that it seemed to be an item for future meetings.

Mr. Knight noted that Mrs. Tennis had also inquired as to the procedures that would be followed if Planning Bureau staff could not attend a meeting. Mr. Knight noted that there would usually be an Historic Preservation Specialist who would attend HARB meetings and that, if they were unable to attend, then he would likely staff the meeting in their absence. He noted that if both the Historic Preservation Specialist and the Planning Director were unable to attend, he would first reach out to the applicants to see if they were amenable to postponing the review of their project until the following month's HARB meeting; if that were unsuitable, Mr. Knight stated that the Urban Planner would likely be tasked with managing the meeting and reading the Planning Bureau's case report.

Mr. Knight noted that the issue was relevant because he was going to be out of the country on vacation during the regularly scheduled October 3rd HARB meeting, and that while a new Urban Planner would be starting shortly before that, they wouldn't be experience enough to manage a meeting by themselves.

Mrs. Tennis suggested that the line of succession for Planning Bureau staff be outlined in the by-laws; Mr. Knight noted that the language in the current by-laws referenced Planning Bureau staff, and thus any employee in the Planning Bureau could function as staff to the Board in the event of an unexpected absence.

Mrs. Gribble moved to approve the amendments, as discussed, for Articles 2 & 6. Mr. Ekema-Agbaw interjected and asked what version of the by-laws was made publicly-available on the City's website; Mr. Knight noted that the draft version of the document was made available online, without the revisions discussed at the current meeting. Mr. Ekema-Agbaw asked whether the current vote was final, noting that there had been discussion at the meeting about future discussions regarding amendments. Mrs. Gribble stated that she felt the by-laws should be always be open for discussion.

Mr. Ekema-Agbaw stated that the issue was whether the final document, with all proposed revisions, was available online for public review, noting that if revisions were being proposed to the draft document, that a vote could not be taken to adopt the new by-laws, which included those revisions, until the following meeting. Mr. Knight expressed some confusion as to the public notice requirements, stating that he believed that amendments could be made to the draft document before a vote was taken at the meeting in which those amendments were discussed. He noted that City Council often amended documents in the middle of meetings at which they took final votes, without having to renotify the public. Mr. Ekema-Agbaw clarified that no matter what actions were taken, a final version of a resolution must be made public prior to a vote on its adoption.

Ms. Rucker asked Mr. Ekema-Agbaw to clarify the difference in the approach to adopting resolutions; he stated that the Board could vote on *changes* to the by-laws at the current meeting,

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but that they could not vote to adopt the *final version* of the by-laws until the following meeting, after it was posted on the City’s website. Mr. Knight requested clarification on whether the Board could vote at the current meeting to adopt the draft version of the by-laws that had been posted to the website and then, at the next meeting, vote to adopt the final version of the by-laws that included the amendments under discussion at the current meeting. Mr. Ekema-Agbaw confirmed that was accurate. Mr. Ekema-Agbaw confirmed that was the case.

Mrs. Gribble moved to amend her original motion, and Ms. Rucker seconded the motion, to approve the amendments to Article 2 and Article 6 which had been discussed at the August 1st and September 12th HARB meetings. She asked Mr. Knight to reread the amendments to confirm the language.

Mr. Knight confirmed that the last sentence in Article 2 would read: “With the exception of the registered architect, licensed real estate broker, and codes administrator, all of the members shall be residents of, or own real estate, located in a municipal historic district of the City of Harrisburg during their membership.” Ms. Rucker confirmed that was correct.

Mr. Knight confirmed that the second sentence in Article 6 would read: “In the event that any member of the Board, or any members’ immediate family, has a personal or business in any property or activity under consideration by the Board, that member shall declare said interest to the entirety of the Board and City staff prior to the meeting, and shall abstain from participating in discussion of the matter and from voting on it.” Ms. Rucker confirmed that was correct.

Mr. Knight stated that he would make the revisions to the by-laws and post them to the City’s website in advance of the next HARB meeting so that the Board could vote on the final version. He confirmed that the current motion before the Board was to adopt those amendments to the by-laws, with a vote on a final version of the by-laws at the following meeting.

The motion was adopted by a unanimous vote (4-0).

2. October 2022 HARB meeting rescheduling

Mr. Knight noted that he was going to be out of the office on vacation during the regularly scheduled October 3rd HARB meeting, and thus it would need to be rescheduled or cancelled. He noted that the following Monday (October 10th) would be Columbus Day, and thus the meeting could not be held the week after, and noted additional scheduling conflicts with October City Council meetings and the October 17th Zoning Hearing Board meeting.

Mr. Knight stated that he anticipated there would only be two new cases to be heard at the October meeting and that he felt they could be pushed back to the November 7th meeting or possibly that the October meeting could be rescheduled to October 12th. He stated that he would have to advertise for a rescheduled meeting date.

Mrs. Gribble asked whether the October 12th meeting date worked for the other Board members. Mr. Ekema-Agbaw stated that the current meeting would be his last with the Board, and noted that he would be leaving at the end of the month, so the Law Bureau would be short-handed and might

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not be able to attend the meeting, as required. He suggested that it might be difficult to reschedule the October meeting to a different date.

Mr. Knight suggested that the Board tentatively plan on rescheduling the upcoming meeting from October 3rd to October 12th, and stated that he would coordinate with the Law Bureau to confirm whether they could be in attendance, and noted that if that would be infeasible, he would inform applicants that there would be no HARB meeting in October.

Mrs. Tennis asked whether the two potential cases included the roofing project for 424 Boas Street, Mr. Knight stated that he had not included the continued project in the case count, and noted that ultimately it was necessary to have the required staff on hand to hold and manage a meeting and that if such staff were not available, a meeting could not be held.

Mrs. Tennis asked whether the Board had determined if three members constituted a quorum for the purposes of holding a meeting. Mr. Ekema-Agbaw confirmed that the existing by-laws stated that a quorum was a majority of the current Board members; thus, three members would constitute a quorum of the current five-member Board. He noted, however, that if the number of current Board members dropped to four individuals, then the Board would not have enough members to operate. Mr. Ekema-Agbaw confirmed that the Board needed to have five appointed and active members.

ADJOURNMENT: 8:06 PM

Mr. Henry moved, and Mrs. Gribble seconded the motion, to adjourn. The motion was adopted by a unanimous vote (4-0); the meeting adjourned at 8:06 PM.