



**HISTORIC DISTRICT  
REVIEW COMMISSION**

**September 5, 2017**

**5:30 p.m.**

**City Council Chambers  
101 E. Kansas**



**HISTORIC DISTRICT REVIEW COMMISSION  
Regular Meeting Agenda**

**September 5, 2017  
5:30 p.m.  
City Hall Council Chambers**

- I. Call to Order**
- II. Roll Call**  
John Carr, Vern Drottz, Mike Gilmore, Matt Grundy, Dail Hobbs, Clay Lozier,  
Kelley Wrenn Pozel, Brett Rinker, Doug Wilson
- III. Approval of Regular Meeting Summary: August 1, 2017**
- IV. CLG Training - State Historic Preservation Office – Mary Sayers**
- V. Other Business**  
Administrative Approvals since August 1, 2017 meeting
  - 408 E. Franklin In-Kind Roof Repairs
  - 416 E. Franklin In-Kind Roof Repairs
  - 10 W. Kansas Awning
  - 232 W. Kansas Fence
  - 319 N. Water In-Kind RepairsMiscellaneous matters from the Commission  
  
Miscellaneous matters from staff  
CLG Training in St. Joe Thurs. Sept. 21st
- VI. Adjournment**

**LIBERTY HISTORIC DISTRICT REVIEW COMMISSION**  
**Regular Session Summary**  
**City Council Chambers, City Hall**  
**August 1, 2017**  
**5:30 p.m.**

**I. Call to Order**

Vice Chairman Carr called the meeting to order at 5:30 p.m.

**II. Roll Call**

John Carr, Vern Drottz, Dail Hobbs, Clay Lozier, Kelley Wrenn Pozel and Doug Wilson answered roll call. Mike Gilmore, Matt Grundy and Brett Rinker were absent. Jeanine Thill, Community Development Manager, represented staff. There were four members of the public in attendance, applicants; Victoria and Mark Ford, Mr. Blanch with Liberty Roofing and Carrie Stradella.

**III. HDRC Case # 17-014LS Consideration of a Certificate of Appropriateness at 117 N. Water After the Fact COA Roof Replacement, soffit and siding In-Kind repairs; Chapter 353 Incentive Project**

Ms. Thill presented the details of the application, as described in the staff report. Vice Chair Carr noted the applicants are present. Commissioner Wilson commented he wasn't familiar with the gutter trough system. Vice Chair Carr replied that they set an allowance for trough gutters and replacing them with hanging gutters is appropriate. Commissioner Hobbs asked if the beadboard will be replaced with in-kind materials. The applicants confirmed this is the case. We do not ask for shingle samples, it is not easily viable like a one-story home. On the dormer, where replacement of the siding is necessary, Vice Chair Carr commented that the smaller siding is available and he will share some resources.

Motion by Commissioner Lozier to accept the application as submitted because it meets the design standards. Seconded by Commissioner Drottz. Motion passed unanimously. 6-0

**IV. HDRC Case #17-005J Consideration of a Certificate of Appropriateness at 139 N. Lightburne, Parking Pad and Patio replaced; Chapter 353 Incentive Project**

Ms. Thill presented the details of the application, as described in the staff report. Vice Chairman Carr announced the applicant is present and will recuse himself as he is working with her on the project. Commissioner Lozier commented this application seems very straightforward. The applicant said there would not be a stoop on the back patio as indicated in the plans.

Motion by Commissioner Lozier to accept the application as submitted because it meets the design standards. Seconded by Commissioner Pozel. Vice Chair Carr abstained. Motion passed 5-1-0.

**VI. HDRC Case #17-015LS Consideration of a Certificate of Appropriateness at 22 N. Main Street, Sidewalk Café Barrier**

Discussion: Commissioner Hobbs asked if a gate was required. Ms. Thill explained that we are still waiting to hear back from the State on this. Commissioner Hobbs said they may not have enough information to make a decision without knowing if a gate is required. The Commission liked the idea of having the barrier removable, something the applicant should consider. Commissioner Carr commented the pole sleeves will allow for no trip hazard. When they are removed, it will be flush with the ground.

Commissioner Drottz said they would like a design subcommittee to take a look at a physical sample of the proposed barrier. Commissioner Hobbs commented the height seems high. Ms. Thill said according to the Building Official, 42 inches is the minimum height requirement per code. Commissioner Hobbs commented they don't have the State Liquor Law information to make a decision on the height. Vice Chair Carr reminded the commission that the HDRC is reviewing this for the aesthetics of the barrier and it is not their responsibility to review the liquor law requirements or height of the barrier. This is the responsibility of others.

Vice Chair Carr said the Commission would like to see a sample of the proposed barrier to review the integrity, gauge and coating; adding they want to know it is a good product and that will complement the building. Commissioner Lozier said he loved the idea of the sidewalk café but they need to see a physical sample and to have more information on the height. This is the first time for installing a café barrier and we need to get it right, as we are setting precedence. Staff should coordinate a Design Subcommittee meeting with the applicant as soon as he has a sample for them to see.

Motion by Commissioner Lozier to deny the application as submitted based on the height and lack of physical sample for the commission to see. Seconded by Commissioner Hobbs. Motion passed unanimously. 6-0

**V. Approval of Meeting Summary**

Commissioner Lozier made a motion to approve the Meeting Summary of June 20, 2017 as amended; Commissioner Pozel was not in attendance. Commissioner Wilson seconded the motion. Motion passed with unanimous approval. 6-0

**VI. Other Business**

**a. Administrative approvals**

Ms. Thill reported Administrative Approvals since June 20, 2017 meeting

- 120 S. Terrace Roof Repair In-Kind
- 20 E. Franklin Stucco Repair In-Kind
- 327 Harrison Retaining Wall Repair In-Kind
- 115 N. Main Sign Artisan Market
- 421 Lightburne Roof and Porch Repairs In-Kind
- 431 E. Mississippi Siding, Shingles, Window Repairs In-Kind

**b. Miscellaneous matters from the Commission**

- State Preservation Conference report- Vice Chairman Carr reported on the sessions he attended at the State Historic Preservation Conference in May. He attended a mock commission meeting where they addressed solar panels on a house. A similar case will probably come our way eventually. The mock commission decided that the panels would be allowed on the back of the house as it didn't impede the architectural significance of the home. Participating in this brought to light that our Commission conducts meetings in an appropriate and professional manner. He said he felt our commission gives first-rate analysis of our cases. He summarized several tours he attended and a window repair workshop. The tours were to a cement factory in a small town nearby, Ilasco, and to Palmyra where they visited several historic homes and a civil war era jail. He also attended sessions on local legends, the paranormal, uncovering history, and stained glass window repair. He reported the power points of the presenters are available. Staff will request an email a link to those and share it with the Commission. He strongly encouraged the Commissioners to attend the preservation conference next year in Sedalia.
- Commissioner Pozel commented that the Daughters of the American Revolution have not responded to her request for exploring a possible partnership and she would suggest we move forward with identifying one or two possible landmarks and proceed. Staff will explore if this can be a topic for training.
- Vice Chair Carr asked Commissioner Drottz if he looked into the sidewalk café fencing styles for the Commission to review, he said he made a note to do this.

c. Miscellaneous matters from staff

- As a follow up to the last meeting Staff asked Public Works if the Kelvin on the lighting around the square could be changed. It cannot.
- A staff member from the State Historic Preservation Office offered to come to Liberty to conduct CLG Training on Sept. 5 2017, after our regular meeting. Staff asked the Commission for training topics they would like to have. Topics could be; a general overview on how the Commission conducts business, nominations process for individual buildings for local landmarks, and the process to establish another local district.
- There will be a CLG Training on ethics in St. Joe Thursday, Sept. 21 2017. Staff and Commissioners Hobbs and Wilson will attend.
- Wilson asked if anyone has walked the square. Some of the seat walls aren't plumb and there is mortar on the red bricks. They need to clean it immediately. Staff will share that with Public Works.

The meeting adjourned at 6:41 p.m.

Historic Preservation  
Overlay District  
Ordinance for  
Liberty, MO

## ARTICLE VIII. - HISTORIC PRESERVATION OVERLAY DISTRICT

### Sec. 30-70. - District HP, historic preservation overlay.

The purpose of the historic preservation overlay district is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of the city, which represent elements of the city's cultural, social, economic, political and architectural history;
- (2) Fostering civic pride in the beauty and noble accomplishments of the past as represented in the city's landmarks and historic districts;
- (3) Conserving and improving the value of property designated as landmarks and within historic districts;
- (4) Protecting and enhancing the attractiveness of the city to homebuyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the city; and
- (5) Encouraging preservation, restoration, rehabilitation, and adaptive reuse of structures, streetscapes and neighborhoods, thereby preventing future urban blight.

(Ord. No. 8804, § I, 4-11-05)

### Sec. 30-70.1. - District HP, survey and research.

The historic district review commission shall have the power to conduct surveys and research to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, architectural, or aesthetic importance, interest, or value. These surveys shall identify potential landmarks and districts that may be nominated for historic designation. Prior to the nomination of any neighborhood, area, site, structure or object, the HDRC shall document its significance with descriptions, photographs, and relevant historical facts, which shall be maintained as part of the public record.

(Ord. No. 8804, § I, 4-11-05)

### Sec. 30-70.2. - District HP, nomination of a landmark or historic district.

A member of the HDRC, the owner of record of the nominated property or structure, or the city council may submit nominations to the historic district review commission for the designation of a landmark or historic district. A nomination of a landmark or district shall be considered an application to amend the official zoning map of the city and thereby shall be reviewed under the procedures of Article IV of this UDO. The HDRC shall review the application and make a recommendation to the planning and zoning commission and city council based upon the nomination criteria.

(Ord. No. 8804, § I, 4-11-05)

### Sec. 30-70.3. - District HP, criteria for nomination.

Upon receipt of a nomination application, the HDRC shall review the supporting evidence and determine if the property, area or structure has sufficient integrity of context, design, materials, and

workmanship to make it worthy of preservation, restoration, or rehabilitation and one or more of the following criteria shall be met:

- (1) It has character, interest or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;
- (2) It is a site of a significant local, county, state or national event;
- (3) It is identified with a person(s) who contributed significantly to the development of the community, county, state, or country;
- (4) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
- (5) It is identified as the work of a master builder, designer, architect or landscape architect, whose individual work has influenced the development of the community, county, state, or country;
- (6) It embodies elements of design, detailing, materials, or craftsmanship which renders it architecturally significant;
- (7) It embodies design elements that make it structurally or architecturally innovative;
- (8) It has a location or singular physical characteristics that make it an established or familiar visual feature;
- (9) It has character of a particularly fine or unique example of a utilitarian structure, including, but not limited to barns, gas stations, or other commercial structures, with a high level of integrity or architectural significance; or
- (10) It is suitable for preservation, restoration, or rehabilitation.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-70.4. - District HP, procedure for nomination.

- (1) The planning and zoning commission shall schedule and hold a public hearing for all nominations. The hearing shall be scheduled, held, and conducted in accordance with the procedures set forth in this article. Notice of the public hearing shall be published in a local newspaper at least fifteen (15) days prior to the hearing and shall state the street address, legal description of a nominated landmark, or the boundaries of a nominated district.
- (2) Upon a majority vote of city council, an ordinance shall be passed designating the subject property, area, or structure with the historic preservation overlay zoning.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-70.5. - District HP, interim control over nominated properties.

No building permit shall be issued by the city for alteration, construction, demolition, or relocation of a nominated landmark or any property or structure within a nominated historic district from the date of publication of the public hearing by the HDRC at which the nomination is first presented for consideration until the final disposition of the nomination by the city council, unless such alteration construction, demolition, or removal is authorized by resolution of the city council, as necessary for the health, safety or welfare of the public. In no event, shall the delay be for more than one hundred eighty (180) days.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71. - Certificate of appropriateness, purpose.

A certificate of appropriateness is intended to provide a process for review and approval of any work to be undertaken on structures residing within the historic preservation overlay zoning district or on designated local landmarks in order to ensure compliance with the city's design guidelines as based on the Secretary of the Interior's standards for historic preservation. This permit is not intended to disrupt or discourage investment in historic properties, but is intended to promote and encourage established standards for the rehabilitation, preservation, adaptive reuse, and restoration of historic resources and neighborhoods.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71.1. - Certificate of appropriateness, applicability.

All properties covered by the historic preservation overlay zoning district or designated local landmarks shall be subject to the provisions of this article. No application for a building permit or demolition permit for any action in a historic district shall be approved until the city council, historic district review commission, or its designee has issued a certificate of appropriateness. A certificate of appropriateness shall be required before one or more of the following actions affecting the exterior architectural appearance of any landmark or property within a historic zoning district may be undertaken:

- (1) Any construction, repair, alteration, or removal affecting an exterior architectural feature or features;
- (2) Demolition in whole or in part of any structure;
- (3) Violation of a minimum maintenance standard; and
- (4) Any construction, repair, alteration, removal, or demolition, in whole or in part, proposed by the city or any of its agencies or departments affecting a significant exterior architectural feature or features or archaeological site.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71.2. - Certificate of appropriateness, applications.

Applications for a certificate of appropriateness shall include the following information:

- (1) Photographs of the existing conditions;
- (2) Scaled drawings of proposed changes;
- (3) List of proposed materials with dimensions;
- (4) As necessary for review, manufacturer's literature, material samples, site map, and a structural report; and
- (5) Any other information deemed necessary to conduct a thorough analysis of the application.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71.3. - Certificate of appropriateness, approval criteria.

A certificate of appropriateness shall not be approved unless the applicant presents clear and convincing evidence that the application meets the following criteria, adapted from the Secretary of the Interior's Standards for Rehabilitation. The criteria are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- (1) 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.

- (2) 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.
- (3) 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.
- (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (6) 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.
- (7) 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.
- (8) Archeological resources will be protected and preserved in place. If these resources must be disturbed, mitigation measures will be undertaken.
- (9) 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.
- (10) 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.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71.4. - Certificate of appropriateness, review procedure.

All applications for a certificate of appropriateness shall be reviewed and considered within a reasonable amount of time. Determinations will be based on the approval criteria set forth in this article and generally accepted preservation policies as determined and set forth by the HDRC.

- (1) Major applications for a certificate of appropriateness, defined as requests for new construction or demolition of landmarks and primary structures within historic districts, shall be reviewed by the historic district review commission and forwarded to the council with a recommendation. For major applications, the city should provide notice of the proposed new construction or demolition to surrounding property owners, as outlined in section 30-22.2 of this UDO, and post a sign on the affected property. The city council shall take formal action on the application. Approval shall be made by resolution of the city council.
- (2) Applications for a certificate of appropriateness for exterior alterations made as a result of financial incentives provided by the city shall be reviewed by the HDRC and forwarded to the council with a recommendation. The city council shall take formal action on the application. Approval shall be made by a resolution of the city council.
- (3) All other applications for a certificate of appropriateness, unless otherwise provided for in this UDO, shall be reviewed by either the HDRC or preservation staff, as specified in the HDRC Rules and Regulations, and formal action shall be taken.
- (4) Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant and the director following the determination.

- (5) Upon the approval of an application, the preservation office may, if all other applicable requirements are met, issue a certificate. The certificate may specify any conditions of approval under which the work shall be completed to be in compliance with the approved application.
- (6) Upon the denial of an application, a statement of the reasons for denial shall accompany the written notice. The city council or historic district review commission shall make recommendations to the application concerning changes, if any, in the proposed action, which would cause the council or HDRC to reconsider its denial. The applicant may submit an amended or revised application that takes into consideration the recommendations.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9346, § I, 8-11-08; Ord. No. 9559, § X, 3-22-10; Ord. No. 9645, § I, 11-8-10)

Sec. 30-71.5. - Certificate of appropriateness, appeal procedure.

An appeal of the denial of a certificate of appropriateness or a certificate of economic hardship by the HDRC shall be filed with the preservation office within thirty (30) days of the date of denial. The appeal shall be submitted for review by the board of zoning adjustments as outlined in section 30-29.7 of this UDO.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9645, § II, 11-8-10)

Sec. 30-71.6. - Certificate of economic hardship.

Upon denial of a certificate of appropriateness, the applicant may apply for a certificate of economic hardship on the basis that the denial will result in the loss of all reasonable and beneficial use of, or return from, the property. Proof of economic hardship shall be the burden of the property owner, and any finding in support of economic hardship shall be based solely on the hardship of the property, not conditions personal to the landowner. Application for a certificate of economic hardship shall be made to the HDRC within thirty (30) days after a certificate of appropriateness has been denied.

- (1) *Application submittal requirements.* The applicant shall provide expert testimony and/or evidence necessary to allow for the evaluation of the application. Such testimony and/or evidence shall address the following:
  - a. For cases of proposed demolition, an analysis from a licensed architect or engineer experienced in rehabilitation as to the structural soundness of the structure as well as the economic feasibility of rehabilitation and reuse of the existing structure.
  - b. Estimated market value of the property in its current condition.
  - c. An estimate of the proposed project costs, as well as the estimated market value of the property after completion of the proposed construction or alteration; and, in the case of demolition, the estimated market value of the property after rehabilitation for its continued use.
  - d. If applicable, estimated project costs associated with any changes recommended by the HDRC as well as the estimated market value of the property after completion of said changes.
- (2) *Review criteria.* Economic hardship shall only be found when the applicant presents clear and convincing evidence that the structure has no reasonable use in its present condition; or, when the applicant is able to demonstrate that the value of the work recommended by the HDRC would be an unreasonable investment based on the overall value of the property. Demonstration of an economic hardship shall not be based on or include any of the following circumstances: willful or negligent acts by the owner; purchase of the property for substantially

more than market value; failure to perform normal maintenance and repairs; failure to diligently solicit and retain tenants; or failure to provide normal tenant improvements.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9645, § III, 11-8-10)

Sec. 30-71.7. - Certificate of appropriateness, stop work order.

- (1) The director shall monitor all projects that require a certificate of appropriateness to ensure compliance with the terms and conditions of a certificate of appropriateness, building permit, and demolition permit. Where a project fails to comply with any part of a certificate of appropriateness or the provisions of this article, it shall be considered a violation of this UDO and, the director may issue a stop work order in writing, which states the violation and a deadline by which to rectify the violation. If the project fails to meet this deadline for compliance, a second stop work order may be issued in writing and delivered by certified mail, which shall set forth the terms of compliance and/ or necessary penalties for violation in accordance with Article I of this UDO which may be enforced.
- (2) Whenever the director has reason to believe that an action for which a certificate of appropriateness is required has been initiated or is about to be initiated, it shall make every reasonable effort to contact the owners, occupants, contractor, or subcontractor and inform them of the application process. If a stop work order is determined to be necessary to halt an action that requires a certificate of appropriateness, a copy of the order shall be delivered to the owners, occupants, contractors, or subcontractors. A copy of the application form shall be included with the order.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71.8. - Certificate of appropriateness, lapse in work.

Approval of any certificate of appropriateness shall be effective for a period of one hundred eighty (180) days, at the end of which time a building permit shall have been issued for the action(s) so authorized. In the event that a building permit has not been issued within one hundred eighty (180) days or at such time work is suspended or abandoned for a period exceeding one hundred eighty (180) days, the certificate of appropriateness shall be null and void, and the applicant shall be required to submit a new certificate of appropriateness application for consideration by the HDRC.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-71.9. - Certificate of appropriateness, demolition.

- (1) Demolition, in whole or in part, of individual landmarks or any contributing primary structure within a historic district is not permitted. Deterioration caused by neglect or lack of routine maintenance by the existing owner does not provide grounds for the approval of demolition. Exceptions will be considered only if:
  - a. The structure has been substantially damaged through fire, deterioration, or natural disaster;
  - b. The structure does not possess the integrity, originality, craftsmanship, and age to merit preservation; and
  - c. There is substantial evidence that it would not be physically or economically viable to rehabilitate the structure.
- (2) Upon receipt of an application for demolition of a local landmark or contributing primary structure within a historic district, the HDRC may postpone the request for up to one hundred eighty (180) days to allow time to explore alternatives to demolition. This may include seeking an alternative use

for the property, obtaining supplemental funding for repairs or rehabilitation, or marketing the property for sale.

- (3) For applications for demolition, the city should provide notice of the proposed demolition to surrounding property owners, as outlined in section 30-22.2 of this UDO, and post a sign on the affected property indicating the proposed demolition. In cases of demolition, the owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the HDRC or city staff.
- (4) Applications for demolition of a landmark or primary structure shall be reviewed by the HDRC and forwarded to the city council with a recommendation. The city council shall take formal action on the application. Approval shall be made by resolution of the city council.
- (5) If a request for demolition is approved, the applicant shall submit the following exhibits in an archival-safe manner before the certificate of appropriateness is issued:
  - a. Photographs and negatives of the following:
    - i. Front facade.
    - ii. Perspective views: facade and one (1) side, and rear and opposing side.
    - iii. Detail front entrance and/or typical window.
    - iv. General view from distance showing environment, landscaping, adjacent building(s), street from each direction.
    - v. Exterior details: these may include, chimney, oriel, gingerbread ornamentation, etc.
    - vi. If they exist, at least one view of any dependent structures, such as sheds, detached garages, barns or carriage houses.
    - vii. In the case of landmark structures, interior views of significant original details may also be required, e.g. stair hall, mantel detail, decorative molding.
  - b. Site map: A scaled site map showing the existing structure, outbuildings, and prominent landscape features, such as fences and retaining walls.
  - c. Interior floor plan: A scaled floor plan showing existing entrances, windows, walls, etc.
- (6) If a request for demolition is denied, the applicant may seek relief through the hardship appeal procedure, as outlined in section 30-71.6; submit an amended or revised application; or appeal to circuit court within (30) days of the date of denial.

(Ord. No. 9346, § II, 8-11-08)

Sec. 30-72. - District HP, design principles.

In addition to the criteria for approval of a certificate of appropriateness as set forth in this article, the following design principles may be used, in conjunction with design guidelines and policies adopted by the HDRC in considering an application for a certificate of appropriateness and can serve as the basis for conditions of approval. These principles are based on accepted practices for historic preservation and are not intended to inhibit change, new construction, new architectural styles, or new technologies when these changes complement the existing buildings and streetscapes. Design review decisions shall be based on the same set of principles for all properties designated by the district HP, however, structures possessing a greater degree of integrity, originality, craftsmanship and historic significance may have the principles more stringently applied than those with lesser significance as determined by the HDRC. These principles shall be enforced for all alterations, construction, demolition, or repairs affecting the exterior appearance of the property.

- (1) *New buildings and additions to existing buildings:* New buildings should not duplicate older styles of architecture, but must be compatible with the architecture of the district. Scale,

placement on lots and street setback must conform to the scale, placement and setback of adjacent structures, especially in the context of rows of buildings and streetscapes. Styles of architecture will be controlled only to ensure that their exterior design, materials, and color are in harmony with neighboring structures.

- (2) *Alterations*: Alterations shall restore a structure's original elements, materials, and appearance, if economically or physically feasible. Alterations affecting the exterior of a structure shall preserve all significant original exterior elements, including building materials, doors, windows, and decorative elements. Elements that are not original, but which may have acquired significance by virtue of age or craftsmanship, shall also be preserved. Alterations that disguise or sheath original elements and materials will not be permitted. Storefronts and commercial building facades shall be treated as a whole, and alterations to the first floor should be compatible with the upper floor(s).
- (3) *Demolition*: Demolition of past additions that have disguised or sheathed original elements or facades is encouraged, as long as the intention is to restore those elements and facades.
- (4) *Relocation of buildings*: Structures shall not be removed from their original site unless there is substantial evidence that it would not be practical or economical to utilize the building on its present site. If a building lies in the path of a public improvement project and if the building is worthy of preservation by virtue of its integrity, originality, craftsmanship or age, relocation may be considered as an alternative only after it is determined that the project cannot be altered to avoid the site of the historic structure.
- (5) *Exterior walls*: A structure's original walls, including masonry, siding, sheathing materials, and exposed foundations, shall be maintained and preserved. Walls, siding, and sheathing materials that may not be original, but have acquired significance by virtue of age or craftsmanship, shall also be maintained and preserved. These walls, siding, and sheathing materials shall not be altered, covered or disguised by new building materials unless it is no longer feasible to maintain the significant materials. Masonry shall not be painted or stuccoed unless it is no longer feasible to maintain the significant materials. Restoration of original walls, siding and sheathing materials is encouraged. Removal of false facades that cover or disguise original walls and materials is encouraged.
- (6) *Decorative and character defining elements*: Original decorative and character defining elements and those that may not be original, but have acquired significance by virtue of age or craftsmanship shall be restored, maintained, and preserved.
- (7) *Doors and windows*: Original doors and windows shall be retained and preserved, including such elements as sash, glass, sills, lintels, casings, muntins, trim, frames, thresholds, and hardware. When repair is not feasible, as determined by the HDRC, replacements may be deemed appropriate, provided the appearance, detail, profile, size, and material are designed to match the original door or window, as specified in the Historic District Design Guidelines. The wholesale replacement of original windows is not permitted. Windows that are not original to the structure may be replaced in-kind or with a higher-grade material. In-kind replacements consistent with this standard shall be approved by staff. If additional doors or windows become necessary, they shall be located and designed in a sensitive manner. If it is necessary to expand original openings, it shall be accomplished in a manner that respects and complements the surrounding building elements, materials, and colors.
- (8) *Porches*: Porches, porticos, stoops, entryways, loading docks and exterior stairways shall be of a scale, design, material, and color that complement the existing facade and its individual elements. Loading docks and service entrances shall be located inconspicuously and should be considered a part of a building's overall design scheme.
- (9) *Roofs*: Rooflines and shapes shall not be altered. Visible roofing materials shall be compatible with other building elements and materials in terms of color, materials, and texture. The use of roofing materials appropriate to the style and period of the building is encouraged. The use of roofing materials that reflect an earlier or later style or period is discouraged.

- (10) *Mechanical equipment and weather protection devices*: Mechanical and weather protection devices shall be placed and installed in a manner that is unobtrusive.
- (11) *Fences, sidewalks, decorative dividers and walls*: Fences and decorative walls shall be placed and scaled in a manner that does not cover, block or damage significant building facades or elements. Fences and walls shall be of a style or period that corresponds with the style or period of the building or buildings they serve. Original fences, walls and sidewalks and those that have acquired significance by virtue of age or craftsmanship shall not be removed or destroyed and shall be maintained and preserved.
- (12) *Vacant lots, alleys, and parking areas*: Parking lots, driveways, and other spaces between and around buildings shall be designed and maintained in a manner that does not detract from neighboring buildings and facades. The creation of new parking lots, driveways and parking pads shall be done in a way to minimize their appearance and to complement the buildings they serve and the surrounding neighborhood. Garbage dumpsters, bollards, loading docks and other similar fixtures shall be structurally and cosmetically maintained and shall be placed in a manner that is as inconspicuous as possible.
- (13) *Signs and awnings*: Original signs or those that have acquired significance by virtue of age or craftsmanship shall be maintained and preserved. Signs that disguise, obstruct, or detract from significant facade elements shall not be allowed. Signs and awnings shall be designed to complement the style, materials, and color of the building. Lighting and other illumination shall be properly shielded or diffused to eliminate glare. Individual building mounted lights shall be no brighter than one hundred (100) watts and be mounted no lower than six (6) feet and no higher than nine (9) feet in height. All signs shall be installed in accordance with the provisions of Article XIV.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9195, § XVIII, 9-10-07; Ord. No. 9346, § III, 8-11-08; Ord. No. 9645, § IV, 11-8-10)

Sec. 30-73. - Design subcommittee.

The historic district review commission may establish a design subcommittee of five (5) of its members to meet with applicants at any time during the application process to review and comment on proposed applications. An applicant may request a meeting with the subcommittee before or during the review of any application. The subcommittee may issue a certificate of appropriateness for standard applications upon the affirmative vote of four (4) of its members, when delay to the next regular meeting would create an unnecessary inconvenience to an applicant.

(Ord. No. 8804, § I, 4-11-05)

Certified Local  
Government  
Agreement  
between  
SHPO  
And  
Liberty, MO

CERTIFIED LOCAL GOVERNMENT AGREEMENT BETWEEN  
THE CITY OF LIBERTY, MISSOURI  
AND THE MISSOURI STATE HISTORIC PRESERVATION OFFICER  
(MISSOURI DEPARTMENT OF NATURAL RESOURCES)

The City of Liberty, Missouri, in consideration of having been granted Certified Local Government status, agrees to carry out the following responsibilities as outlined in "Guidelines for Implementation of Certified Local Government Programs in Missouri", in cooperation with the Missouri State Historic Preservation Officer (SHPO).

1. Enforce appropriate local legislation for the designation and protection of historic properties;
2. Establish by local law an adequate and qualified historic preservation review commission composed of professional and lay members;
3. Maintain a system for the survey and inventory of historic properties with such inventory retained in perpetuity, per Section III.C. of the "Guidelines for Implementation of Certified Local Government Programs in Missouri;"
4. Provide for adequate public participation in the local historic preservation programs;
5. Review and comment on all proposed nominations to the National Register of Historic Places for properties within the City of Liberty's jurisdiction, and within 60 days of receiving the nominations inform the Missouri SHPO and the property owner(s) of the separate opinions of both the local commission and the chief elected official as to whether or not the nominated properties meet the criteria of the National Register;
6. Submit an annual report to the Missouri SHPO of the local commission's activities during the past year within 60 days following the end of federal fiscal year (September 30), and maintain all records documenting those activities for a period of five years;
7. Ensure that each commission member attends at least one informational or educational meeting, approved or conducted by the Missouri SHPO, pertaining to historic preservation;

Additional responsibilities identified below are optional. Please check those responsibilities that the City of Liberty wishes to undertake.

- 8. Assist the Missouri SHPO, if necessary, to verify the names and addresses of property owners in proposed National Register historic districts generated by the City of Liberty;
- 9. Assist the Missouri SHPO, if necessary, to verify the property legal descriptions of proposed National Register nominations generated by the City of Liberty;
- 10. Ensure that all documentation for properties submitted to Missouri SHPO for determination of eligibility for listing on the National Register of Historic Places by the City of Liberty satisfies Missouri SHPO survey and inventory requirements;
- 11. Assist the Missouri SHPO in monitoring the physical condition of all properties within the City of Liberty's jurisdiction upon which the Secretary of the Interior holds restrictive covenants ~~XXXXX~~  
~~XXXXX~~ (not applicable at this time);
- 12. To the extent practicable, upon request of the Missouri SHPO, occasionally assist with state-sponsored historic preservation activities within the City of Liberty's jurisdiction.

Blenna Todd  
Chief elected official,  
City of Liberty, Missouri

\_\_\_\_\_  
DATE

Wayne E. Gross  
Wayne E. Gross  
(Deputy Missouri State Historic Preservation Officer)  
Director, Division of Parks, Recreation, and Historic Preservation  
Missouri Department of Natural Resources

7/8/86  
DATE



Guidelines for  
Participation in  
Missouri's  
Certified Local  
Government  
Program

# GUIDELINES FOR PARTICIPATION IN MISSOURI'S CERTIFIED LOCAL GOVERNMENT PROGRAM

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## I. INTRODUCTION

Since 1966, when Congress enacted the National Historic Preservation Act (16 USC 470 *et seq.*), establishing a preservation program for the United States, the national historic preservation program has operated as a decentralized partnership between the federal government and the states. In the simplest of terms, the federal government established a program of identification, evaluation and protection of historic properties which the states, primarily, carry out. The success of that working relationship prompted Congress to expand the partnership to provide for the participation of local governments. The National Historic Preservation Act Amendments of 1980 (P.L. 96-515) establish the legal basis for the new federal-state-local preservation partnership. The role of the "certified local governments" in the new partnership involves, at a minimum, 1) commitment to enforce historic preservation laws, 2) responsibility for review and approval of nominations of properties to the National Register of Historic Places, and 3) eligibility to apply to the State Historic Preservation Officer for matching funds earmarked for "certified local governments." In order to become certified, a local government must meet several requirements, including enactment of an historic preservation ordinance and establishment of a qualified preservation commission. The federal law directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the partnership. The purpose of this document is to outline how the partnership will be implemented in Missouri.

## II. DEFINITIONS

For the purposes of clarity, the following definitions shall apply in regard to these guidelines:

- A. **"Certified Local Government"** or **"CLG"** means a local government certified as meeting the requirements set forth in these guidelines.
- B. **"Chief elected official"** or **"chief elected local official"** means the elected head of a local government.
- C. **"Historic Preservation Fund"** or **"HPF"** means the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for the historic preservation programs and projects.
- D. **"Historic preservation review commission"** or **"commission"** means a board, council, commission, or other similar collegial body which is established in accordance with these guidelines.
- E. **"Local government"** means a city, county, municipality, town, or village, or any other general-purpose political subdivision of the state.
- F. **"Missouri Advisory Council on Historic Preservation"** means the commission appointed by the Governor which is responsible for review and nomination of all Missouri properties to the National Register of Historic Places.
- G. **"National Register of Historic Places"** means the national list of districts, sites, buildings,

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## Guidelines for Participation in Missouri's Certified Local Government Program

structures, and objects significant in American history, architecture, archaeology, engineering, and culture maintained by the Secretary of the Interior.

- H. **"The Historic Preservation Fund Grants Manual"** means the manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally-related historic preservation programs of the states and local governments.
- I. **"State Historic Preservation Officer"** or **"SHPO"** means the official within the state who has been designated and appointed by the Governor to administer the state historic preservation program.

### III. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENT PROGRAMS

Pursuant to the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), and subsequent regulations most recently promulgated by the National Park Service on March 9, 1999 (36 CFR Part 61), certified local government programs must meet five broad criteria. These criteria are outlined below, along with further amplification and definition of the guidelines that must be met by a local government to achieve certification in Missouri.

- A. The local government shall **"enforce appropriate state or local legislation for the designation and protection of historic properties"** with provisions to achieve substantially the purpose of identification, evaluation, and protection of cultural resources within the jurisdiction of the CLG.
  - 1. A local historic preservation ordinance meeting federal and state requirements is a prerequisite for certification. Such legislation (defined as a local historic preservation ordinance plus appropriate historic preservation review commission bylaws, adopted resolutions, and rules of procedure) shall include the following provisions, at a minimum:
    - a. Statement of purpose;
    - b. Establishment of an historic preservation review commission and a grant of powers;
    - c. Procedures for the designation of historic districts and individual landmarks;
    - d. Clearly defined standards and criteria for the designation of historic districts and individual landmarks;
    - e. Definition of actions that shall be reviewed by the commission, including proposed alteration, relocation, demolition, or new construction affecting designated properties;
    - f. Standards and guidelines for the review of such actions by the commission;
    - g. Specific time frames for review; and
    - h. Procedures for appeals.
  - 2. To ensure consistency of review, it is recommended that the local ordinance reference, where applicable, the National Register Criteria and the Secretary of the Interior's "Standards for

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**Guidelines for Participation in Missouri's Certified Local Government Program**

Rehabilitation."

3. At the request of a local government, the SHPO shall provide preliminary review of an existing, newly proposed, or revised ordinance.
- B. The local government shall ***"establish by state or local law and maintain an adequate and qualified historic preservation review commission."***
1. The commission shall have no fewer than five (5) members.
  2. Commission members shall have a demonstrated interest, competence, or knowledge in historic preservation.
  3. To the extent available in the community, commission members must be drawn from professionals in architecture, architectural history, history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, or any other related disciplines or fields related to historic preservation. Local governments requesting certification must demonstrate that they have made a reasonable effort to secure such professionals as commission members. The appropriate number of professional members on a commission will vary depending on the availability of such professionals in the community and the needs and function of the commission in the community.
  4. If certain critical disciplines are not represented on the commission, the CLG shall seek the advice of consultants to assist the commission in reviewing a particular action. (For instance, an archaeologist might be consulted in regard to the impact of excavation for a new high-rise building on previously undisturbed land, while an architectural historian might be consulted for advice in regard to the significance of a building proposed for nomination to the National Register.) Possible sources for such consultants include universities, colleges, state or local preservation organizations, and architectural or planning firms.
  5. Terms of office of commission members shall be staggered and of no less than two-year duration (except as provided in the initiation of a commission). The two-year term shall not be construed as preventing a member from serving more than one consecutive term.
  6. The chief elected local official shall initiate action to fill vacancies, including expired terms, within sixty (60) days.
  7. Commission meetings shall be held at regular intervals and at least four (4) times each year.
  8. The commission shall submit an annual report on its activities to the chief elected local official for submission to the SHPO. The annual report shall include, but shall not be limited to, such items as: the number, types and resolution of cases reviewed, new designations made, revised resumes of commission members, new appointments to the commission, attendance records, and all minutes relating to National Register nominations. Reports shall be submitted within sixty (60) days after the end of the fiscal year and shall form the basis for the SHPO's assessment of the CLG's performance.
  9. Each commission member shall annually attend at least one informational or educational meeting, approved or conducted by the SHPO, pertaining to historic preservation. The SHPO shall initiate or develop training programs to assist commissions in meeting this requirement.

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**Guidelines for Participation in Missouri's Certified Local Government Program**

10. The commission shall be responsible for:
    - a. Surveying, identifying and designating historic and prehistoric districts and landmarks within the jurisdiction of the CLG;
    - b. Reviewing all alterations, relocation, demolition, new construction or other actions affecting designated properties under the jurisdiction of the CLG.
    - c. Reviewing all proposed National Register nominations for properties within the jurisdiction of the CLG.
  11. The SHPO may, at his/her discretion and mutual agreement with CLG, delegate further responsibilities to the local commission. The CLGs may petition to assume greater responsibility for eligible historic preservation program activities provided they have sufficient and qualified staff.
- C. The local government shall ***"maintain a system for survey and inventory of historic properties."***
1. The CLG shall begin or continue a SHPO-approved process to identify historic and prehistoric properties with its jurisdiction and maintain an inventory of that information.
  2. A detailed inventory of the districts, sites and/or structures designated within the CLG's jurisdiction also shall be maintained.
  3. All inventory material shall be:
    - a. In conformance with standards and guidelines for cultural resource inventory as established by the SHPO;
    - b. Compatible with the statewide comprehensive historic preservation planning process;
    - c. Provided in a format consistent with a. and b. above;
    - d. Accessible to the public (except for archaeological site locations, which shall be restricted);
    - e. Updated periodically; and
    - f. Available through duplicates on file with the SHPO.
  4. At the discretion of the SHPO, the requirement for submission of duplicate inventory materials to the SHPO may be waived for CLG's not requesting pass-through funding.
- D. The local government shall ***"provide for adequate public participation in the local historic preservation program as a whole,"*** including the process for evaluating properties for nomination to the National Register of Historic Places.
1. All commission meetings shall be open to the public. Public announcement of such meetings shall be made in a timely fashion prior to the meeting date.

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## Guidelines for Participation in Missouri's Certified Local Government Program

2. Commission meetings shall be held at regular intervals, at least four (4) times each year.
  3. Careful minutes of all commission actions, including the specific reasons for making decisions, shall be kept on file and available to the public.
  4. Applicants shall be given written notification of commission decisions, including specific reasons for the decisions.
  5. Rules of procedure shall be adopted by the commission and shall be available to the public.
  6. Guidelines and criteria for the designation of properties and the review of actions affecting those properties shall be developed by the commission and made available to the public.
- E. The local government shall *"satisfactorily perform the responsibilities delegated to it under the National Historic Preservation Act"* by the SHPO, as outlined under A.--D. above.

## IV. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

It is the local government, and not the commission, that is certified. Commissions are responsible to the SHPO only as representatives of the local government. The jurisdiction of the CLG is that of the local government and must coincide with the geographic jurisdiction of the local government for CLG purposes.

- A. The chief elected official of the local government shall request certification from the Missouri SHPO. The request for certification shall include:
1. A written assurance by the chief elected official that the local government will fulfill all of the requirements for certification as outlined in III. above;
  2. A copy of the local historic preservation ordinance and the legal instrument(s) creating the commission and any laws that provide for the designation and/or protection of historic and prehistoric properties within the jurisdiction of the applicant;
  3. A listing of any historic and prehistoric districts or individual landmarks designated under the local ordinance(s), along with statements of the historical significance of the properties, photographs, and maps indicating their locations and boundaries;
  4. Resumes for each of the current or proposed members of the historic preservation commission, including demonstration of their interest, competence or knowledge in historic preservation and, where appropriate, information sufficient to allow the SHPO to establish the qualifications of professional members. If the membership of the proposed commission does not meet the professional qualifications stipulated in III.B.3., the applicant must provide written information concerning how it has sought qualified professionals to participate in CLG activities.
  5. A copy of the local historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation and protection activities; and
  6. Resumes for staff, if petitioning for additional responsibilities under III.B.11. of these guidelines. (If requested, the SHPO will consider professional staff in conjunction with the credentials for

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## **Guidelines for Participation in Missouri's Certified Local Government Program**

commission members in determining whether the local preservation commission meets the requirements set forth under III.B.3.)

- B. The Missouri SHPO shall respond to the chief elected local official within sixty (60) days of receipt of an adequately documented, written request.
- C. If, upon review of the local government request, it is determined that the proposal fulfills the requirements and guidelines for certification as stated herein, the SHPO shall prepare a written Certification Agreement to be enacted between the SHPO and the CLG. The Agreement shall outline the specific responsibilities of the CLG when certified, including:
  - 1. The five minimum responsibilities cited under III. A.--D. above;
  - 2. Any additional responsibilities delegated by the SHPO to all CLGs in Missouri, and
  - 3. Any other responsibilities delegated by the SHPO pursuant to III.B.11.
- D. After having determined that a CLG application meets all requirements of the state procedures, the SHPO shall forward the request for certification, a copy of the above-referenced signed Certification Agreement and a copy of the signed SHPO review checklist to the National Park Service (NPS).
  - 1. If the NPS does not concur with the request it will notify the SHPO within fifteen (15) working days of receipt. The NPS shall provide written notice of what is necessary for the request for concurrence to be approved.
  - 2. A Certification Agreement is not effective until it is signed by the chief elected local official and the SHPO, and concurred with in writing by NPS. The effective date of certification is the date of NPS concurrence. When NPS concurs with the SHPO recommendation for certification, NPS will notify the SHPO in writing, and send a copy of that letter to the CLG.

## **V. PROCESS FOR MONITORING, EVALUATION AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS**

- A. The SHPO shall monitor and conduct periodic evaluations of certified local governments to assure that each local government is fulfilling the requirements for certification.
  - 1. The SHPO shall monitor CLGs on an on-going basis.
  - 2. The SHPO shall review the minutes of local commission meetings. Such minutes shall be provided to the SHPO at the same time they are provided to commission members, on a quarterly basis at a minimum.
  - 3. The SHPO shall conduct a periodic review of products developed or submitted by the CLG, such as survey data, National Register nominations, planning activities, etc., to ensure conformance of any grant-assisted projects with Missouri's statewide comprehensive historic preservation planning process and with pertinent federal standards and criteria for HPF programs.
  - 4. The SHPO shall be responsible for periodic review of the fiscal management of Historic Preservation Fund monies allotted to the CLGs.

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## Guidelines for Participation in Missouri's Certified Local Government Program

5. The SHPO shall conduct an annual assessment of the CLG's performance, by means of review of the annual report which shall be submitted by each certified local government.
  6. The SHPO shall evaluate the performance in program operation and administration of each CLG every four years according to the procedures and standards outlined in the "Certified Local Governments Evaluation Procedures." The SHPO shall maintain written records for all CLG evaluations and shall promptly notify the CLG in writing of the results of the evaluation.
- B. If the SHPO determines that the performance of the CLG does not meet the minimum criteria for continued certification as specified in the Certification Agreement or referenced therein, the SHPO shall document that assessment and recommend in writing to the CLG steps that should be taken to improve performance. The CLG shall have a period of not less than thirty (30) days nor more than one hundred and twenty (120) days in which to implement improvements. If, at the end of the appropriate period, the SHPO determines that sufficient improvement has not occurred to bring the CLG in conformance with the minimum requirements, the SHPO shall notify the CLG in writing that the decertification process has begun and shall recommend decertification of the local government to the NPS, citing the specific reasons for the recommendation, describing the SHPO's technical assistance efforts and affirming that the SHPO will notify the CLG of the NPS concurrence with the decertification.
- C. A CLG may petition the SHPO for decertification voluntarily. A letter from the chief elected local official shall be the appropriate vehicle for such requests.
- D. In the event of the decertification of a CLG, the SHPO shall conduct financial assistance closeout procedures in accordance with the Historic Preservation Fund Grants Manual.
- E. If the local government wishes to become recertified it must reapply for certification.

## VI. PARTICIPATION OF CERTIFIED LOCAL GOVERNMENTS IN THE NATIONAL REGISTER NOMINATION PROCESS

The certified local government shall be responsible for review and comment on all proposed nominations for properties within its jurisdiction. However, the authority to nominate Missouri properties directly to the National Register of Historic Places shall rest with the SHPO, pursuant to federal law and regulation. It is the responsibility of the SHPO to work with CLGs to maximize their participation in the National Register nomination process pursuant to federal law and regulation and state procedures in a manner that is not biased against any particular type of resource.

- A. The CLG shall be responsible for review of all National Register nominations within their jurisdiction. Before a property within the jurisdiction of a CLG may be nominated to the National Register by the state, the SHPO will notify the chief elected local official and the commission in accordance with Section 101 (c) 2 (a) of the National Historic Preservation Act, 36 CFR 60, and state procedures and guidelines. The SHPO will notify the chief elected local official and the commission at least 60, but no more than 120 calendar days prior to consideration of the nomination by the Missouri Advisory Council on Historic Preservation.
1. The local commission shall develop or receive the documentation necessary to nominate a property to the National Register. This documentation shall be submitted by the commission to the

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## Guidelines for Participation in Missouri's Certified Local Government Program

Missouri SHPO for subsequent review by the staff and the Missouri Advisory Council on Historic Preservation.

2. In the event that a completed National Register nomination for a property within the jurisdiction of a CLG should be received by the SHPO without prior review by the CLG, the SHPO shall forward a copy of said nomination to the CLG within thirty (30) days. The SHPO simultaneously shall inform the property owner of the transmittal of the nomination to the CLG.
  3. CLG notification procedures do not apply where a Federal agency nominates a property under its ownership or control. Federal agencies should, however, be encouraged by the SHPO to coordinate their nominations with CLGs.
- B. The CLG shall be responsible for providing comments on proposed National Register nominations within their jurisdiction to the SHPO. All meetings at which National Register nominations are considered must be open to the public in accordance with applicable state and local laws. After providing a reasonable opportunity for public comment, the commission shall prepare a report as to whether or not, in its opinion, the property meets National Register criteria.
1. Both the local commission and the chief elected official of the CLG shall inform the SHPO and the property owner(s) of their separate opinions regarding the National Register nomination prior to the meeting of the Missouri Advisory Council on Historic Preservation at which the nomination will be considered.
  2. If both the local commission and the chief elected local official support the nomination, and if the nomination form is complete and sufficient, then the SHPO shall notify the property owner(s) prior to the meeting of the Missouri Advisory Council on Historic Preservation at which the nomination will be considered.
  3. Likewise, if either the local commission or the chief elected local official supports the nomination, then the SHPO shall notify the property owner(s) prior to the meeting of the Missouri Advisory Council on Historic Preservation at which the nomination will be considered.
  4. If both the commission and the chief elected local official recommend that the property not be nominated, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101 (c) (2) of the National Historic Preservation Act and 36 CFR 60.
  5. If the SHPO does not receive the report and recommendations within 60 days, the SHPO shall continue the nomination process.
  6. Consistency with the purposes of the National Historic Preservation Act, and ensuring that National Register decisions take into account local concerns, require that CLGs participate in the National Register nomination process to the maximum extent feasible. If a CLG consistently does not provide nomination reports, the SHPO should seek to determine if appropriate technical assistance would encourage greater participation. When a relevant historic preservation discipline is not represented in the commission membership, the commission shall be encouraged to seek expertise in this area when considering National Register nominations requiring the application of such expertise. Requisite expertise may be provided through consultation with the SHPO or with persons meeting the Secretary of the Interior's Professional Qualifications Standards.
- C. Nominations approved by the SHPO and the Missouri Advisory Council on Historic Preservation

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## Guidelines for Participation in Missouri's Certified Local Government Program

shall be forwarded to the Keeper of the National Register in Washington, D.C. Any report and recommendation made by the CLG shall be included with any nominations submitted by the SHPO to the Keeper of the National Register.

- D. Nominations not approved by the SHPO and the Missouri Advisory Council on Historic Preservation shall be returned to the CLG, owner, and preparer of the nomination, along with an explanation of the Missouri Advisory Council on Historic Preservation's comments and, where appropriate, suggestions for improvements.
- E. The SHPO may expedite the CLG's participation in the nomination process, including shortening the 60-day commenting period, with the concurrence of the CLG as long as owner notification procedures, 36 CFR 60, have been met.
1. Where the SHPO and the CLG agree to expedite CLG participation with respect to a particular nomination, the SHPO must keep records that contain the following information:
    - Name of the CLG;
    - Name of the property;
    - A statement from the CLG declaring that the CLG agrees with the SHPO to expedite the process;
    - Date of concurrence;
    - Signatures of the chief elected local official and the chairperson of the commission; and
    - Description of the public participation opportunities that have been provided.
  2. Where the SHPO and the CLG agree programmatically to expedite concurrence on all nominations, or on nominations of particular types or groups of properties, the SHPO must obtain and keep records that contain the following information:
    - Name of the CLG;
    - A statement of applicability to all nominations or nominations of specified types or groups of properties;
    - A statement from the CLG declaring that the CLG agrees with the SHPO to expedite the process;
    - Date of agreement;
    - Description of public participation opportunities that will be provided; and
    - Signatures of the chief elected local official, the chairperson of the commission, and the SHPO or designee.
- F. Any appeal procedures promulgated by the National Park Service pertaining to local or state decisions shall be followed.

## VII. TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS

A share of the HPF allocation to Missouri shall be available to CLGs on a 60-40 basis for historic preservation activities and projects, unless otherwise authorized by the SHPO. At present, federal law provides that a minimum of 10% of the HPF allocation to Missouri be set aside for transfer to CLGs. The intent is to use HPF assistance to augment rather than replace existing local commitment to historic preservation activities. CLGs may participate in the review and approval of National Register nominations whether or not they elect to apply for HPF transfer funds.

### A. General Requirements.

1. All local governments certified pursuant to IV. above shall be eligible for funds from the CLG

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## Guidelines for Participation in Missouri's Certified Local Government Program

pass-through. However, the SHPO is not required to award funds to all local governments that are eligible to receive funds.

2. Only CLGs within the State are eligible to compete for funds set aside for pass-through. To remain eligible for each year's CLG pass-through, the CLG must continue to comply with the conditions of its Certification Agreement and state performance standards.
  3. Any CLG receiving HPF monies shall be considered a subgrantee of the state of Missouri.
  4. HPF grants received by a CLG shall not be applied as matching share for any other federal grant.
  5. All CLG activities that are assisted with HPF money or used as matching share must meet the applicable Secretary's Standards for Archeology and Historic Preservation. For example, design review is an HPF allowable cost, provided that the standards used for design review by a CLG meet the Secretary's Standards for the Treatment of Historic Properties (which is the applicable Standard for that activity).
  6. Indirect costs may be charged as CLG grant expenditures only if:
    - a. The CLG meets the requirements of the Historic Preservation Fund Grants Manual, and
    - b. The CLG has a current indirect cost rate approved by the cognizant federal agency.
- B. In order to be eligible to receive a portion of the local share of the Historic Preservation Fund (HPF) allocation to Missouri, the CLG must:
1. Have adequate financial management systems which:
    - a. Meet federal standards of the Office of Management and Budget Circular A-102, Attachment G., "Standards for Grantee Financial Management Systems;"
    - b. Are auditable in accordance with the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions; and
    - c. Are available for periodic evaluation by SHPO in accordance with OMB Circular A-102, Attachment P, "Audit Requirements:"
  2. Adhere to all requirements of the Historic Preservation Fund Grants Manual; and
  3. Adhere to any requirements mandated by Congress pertaining to the HPF.
- C. Technical Assistance
- The Missouri SHPO is prepared to assist local governments in developing and implementing financial management systems which meet the requirements listed under A. and B. above.
- D. Criteria for Selection of Applications
1. All proposals shall be evaluated and selected by the SHPO according to the following criteria:

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## Guidelines for Participation in Missouri's Certified Local Government Program

- a. Clearly stated and specific goals that are realistically attainable with the amount of funds provided and within the funding period;
  - b. Demonstration of an understanding of state and local preservation priorities including efforts to advance the identification, evaluation, and protection of properties significant in Missouri's history and prehistory, and efforts to ensure maintenance of these properties; and
  - c. Assurance of matching share.
2. In addition, all proposals shall be reviewed in terms of the Funding Priorities below for conformance with state and federal goals and objectives.
  3. The rationale for selection of CLG grant proposals and for the amounts awarded shall be made available by the SHPO upon request.

### E. Funding Priorities

1. The Missouri SHPO shall award funds on a competitive basis to CLGs based on the following priorities:
  - a. Administration of local preservation programs with emphasis on completion of the identification phase, that is, survey/inventory of cultural resources;
  - b. Administration of local preservation programs with emphasis on completion of the evaluation phase, that is, nominations to the National Register of Historic Places; and
  - c. Administration of local preservation programs with emphasis on the protection phase, that is planning for and implementation of strategies to ensure long-term preservation of cultural resources.
2. The SHPO shall award funds to certified local government programs that are consistent with Missouri's comprehensive resource planning process.
3. The SHPO shall endeavor to distribute CLG funding to the maximum number of qualified local governments throughout the state and to insure a reasonable distribution between urban and rural areas.
4. The SHPO shall consider other priorities or conditions as may be set forth by the National Park Service for HPF administration.

### F. Application for Funding

When a CLG elects to apply for HPF funding, the chief elected local official of the CLG shall request funding by means of an annual application to the SHPO. The appropriate application forms shall be made available by the SHPO. The application timetable may be subject to modification due to fluctuations in federal allocation procedures. The distribution of grant applications, deadline for submittal of grant applications, and awarding of grants shall be done on the same schedule as other HPF grants.

June 19, 2007