

**HISTORIC PRESERVATION BOARD**  
**City of Fort Lauderdale**  
**Monday, June 6, 2005- 5:00 P.M.**  
**City Hall**  
**First Floor Conference Room**  
**100 North Andrews Avenue**  
**Fort Lauderdale, Florida**

<u>Board Members</u>	<u>Present / Absent</u>	<u>From January 2005</u>
Mary-Jane Graff	P	5-1
Nolan Haan	P	1-0
Bill Howard	P	5-1
Daryl Jolly	P	5-1
Margi Nothard	A	4-2
William Saunders, Vice Chair	P	6-0
Carolyn Dandy	P	4-2
Tom Welch	P	6-0
Clay Wieland	P	4-2

**Staff Present**

James Cromar, Planner III, Staff Liaison to HPB  
Michael Ceisielski, Planner II  
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB  
Assistant City Attorney  
Jamie Opperlee, Recording Secretary

**Call to Order**

Vice Chair Saunders called the meeting of the Historic Preservation Board to order at approximately 5:05 p.m. Roll call was taken with the following Board Members being present: Ms. Dandy, Mr. Haan, Mr. Wieland, Ms. Graff, Mr. Saunders, and Mr. Howard.

**Approval of Minutes May 2, 2005 Meeting**

**Motion** made by Mr. Wieland, seconded by Mr. Howard, to approve the minutes of the May 2, 2005 meeting. In a voice vote, the motion was approved unanimously.

**All individuals wishing to speak regarding the cases on tonight's agenda were sworn in.**

Mr. Cromar introduced new Board member Nolan Haan, appointed by Commissioner Hutchinson. Mr. Cromar noted that there were still two vacancies on the HPB.

Mr. Cromar announced that although the City had mailed demolition notices, the request for a COA for Demolition at 1117 Southwest 1<sup>st</sup> Street would not be heard this evening.

**I. Cases**

- 1. Owner:** **21 West, LLC** **Case No. 11-H-05**  
**The Brick**  
**Location:** **21 West Las Olas Boulevard**  
**Request:** Certificate of Appropriateness for Alteration:
  - Modify existing storefront to replace two existing single doors and static windows with three new doors (aluminum with wood trim).
  - Replace top window lights to align with new doors.**Zoned:** RAC-CC  
**Legal:** Town of Fort Lauderdale. Block 26, portions of Lots 5, 6, 7 and 8. P.B. "B," P. 40 (D).

Mr. Cromar advised the Board that in considering this case, they should consider the General Criteria for granting Certificates of Appropriateness as listed in Sec. 47-24.C.3.c.i., as well as the additional guidelines for alterations as listed in Sec. 47-24.11.C.3.c.ii.

Ms. Rathbun stated that the Bryan Building, otherwise known as the Shepherd Building, was built in 1913 by Tom Bryan and was an example of an early 20th century commercial building with storefronts and offices. She said that after most of this early commercial district was destroyed by fires in 1912 and 1913; the Bryan building was built as a new beginning for the downtown. She added that the building was nominated to the National Register of Historic Places in 1997.

Ms. Rathbun further stated that when the Bryan building was restored in the 1990s, the existing windows and transoms were replaced with modern windows and transoms. She said that the applicant was applying to replace two existing single doors and fixed storefront windows with three operable doors and new transom windows to align with the new doors. Ms. Rathbun added that as the appearance of the replacement doors would be close to that of the existing doors, she thought this would be an appropriate alteration.

Ms. Rathbun cited section 47-24.11.C.3.c.i.a and f concerning new construction regarding the overall effect of the work to be done on the landmark property and the plans' compliance with the Secretary of the Interior's Standards for Rehabilitation Sections 1, 2, 9 and 10.

Mr. Matthew Griswold, representative of 21 West LLC, displayed photos of the existing storefront and explained that the windows would be replaced with accordion-folding doors so there would be no blocking of the sidewalk. He said that when closed, the doors would present the same appearance as the existing windows.

Vice Chair Saunders proceeded to open the public hearing. There being no individuals who wished to speak on this item, Vice Chair Saunders closed the public hearing and brought the discussion back to the Board.

Ms. Graff wondered why Mr. Griswold wanted to replace the windows. Mr. Griswold said that he intended to use the property as a bar/restaurant with open access from the interior to the sidewalk area for sidewalk seating.

**Motion** made by Mr. Haan, and seconded by Mr. Howard to approve the application for a COA for Alteration as presented. Roll call vote showed: Yeas: Mr. Howard, Ms. Dandy, Mr. Wieland, Ms. Graff, Mr. Haan, and Vice Chair Saunders; Nays: None. Motion approved (6-0).

**2. Owner:** **21 West, LLC** **Case No. 11-H-05**  
**The Brick**  
**Location:** **21 West Las Olas Boulevard**  
**Request:** Certificate of Appropriateness for Alteration:  
▪ Add signage to front stucco façade.  
**Zoned:** RAC-CC  
**Legal:** Town of Fort Lauderdale. Block 26, portions of Lots 5, 6, 7 and 8.  
P.B. "B," P. 40 (D).

During the discussion of this case, Mr. Jolly arrived at approximately 5:15 and Mr. Welch at approximately 5:25.

Mr. Cromar advised the Board that in reviewing this case, they should consider the General Criteria for granting Certificates of Appropriateness as listed in Sec. 47-24.C.3.c.i, as well as the additional guidelines for alterations as listed in Sec. 47-24.11.C.3.c.ii.

Ms. Rathbun stated that the applicant was requesting a COA to mount a sign on the stucco band that separated the first and second stories of the Brickell Avenue façade of the building. She stated that this band course was a significant design element for the building. Ms. Rathbun said that installation of the sign would require drilling holes into the brick and mortar, which was not recommended for an historic structure. She added that the planned sign was electric; lit signs of this nature would not have been used in 1913. Ms. Rathbun stated that this alteration was inappropriate.

Ms. Rathbun cited Section 47-24.11.C.3.c.i.a-f. regarding the overall effect of the work to be done on the landmark property and the plans' compliance with the Secretary of the Interior's Standards for Rehabilitation Sections 1, 2, and 9.

Mr. Griswold explained the proposed light designs. He noted that only two holes would be drilled in the facade. He also confirmed for Mr. Saunders that the signs were back-lit.

Vice Chair Saunders proceeded to open the public hearing. There being no individuals who wished to speak on this item, Vice Chair Saunders closed the public hearing and brought the discussion back to the Board.

Mr. Wieland asked if the applicant had considered any other sign designs. Mr. Griswold said that they had, but the cove molding had precluded any other proposed design. Ms. Rathbun stated that signage painted on the windows or awnings would be more acceptable as this would not harm the stucco. Mr. Cromar said that the City code had special sign requirements for the Downtown Regional Activity Center, where the building is located, and that there were provisions for the Planning and Zoning Board to approve signs that were beyond the Code.

Mr. Saunders advised Mr. Griswold to reconsider the signage design and present the new design to the board at a later date. Mr. Griswold said he was withdrawing the application at this time.

3. **Owner:** **21 West, LLC** **Case No. 11-H-05**  
**Haagen-Dazs of Las Olas**  
**Location:** **21 West Las Olas Boulevard**  
**Request:** Certificate of Appropriateness for Alteration:  
▪ Add signage to front stucco façade.  
**Zoned:** RAC-CC  
**Legal:** Town of Fort Lauderdale. Block 26, portions of Lots 5, 6, 7 and 8.  
P.B. "B," P. 40 (D).

Mr. Griswold said he was withdrawing this request at this time since this request was similar to the previous request.

4. **Owner:** **Southwest Dale, LLC** **Case No. 12-H-05 (SB)**  
**Singita at Sailboat Bend**  
**Location:** **307 SW 12<sup>th</sup> Avenue**  
**Request:** Certificate of Appropriateness for Demolition:  
▪ Demolition of one-story residence on site.  
Certificate of Appropriateness for New Construction:  
▪ Four (4) three-story townhouse units with third story dormers.  
**Legal:** Waverly Place. Block 109, Lots 10, 11, and 12.  
P.B. 2 P. 19 (D)  
**Zoned:** RML-25/ Sailboat Bend Historic District Overlay

Mr. Cromar stated that the applicant was requesting a COA for Demolition of a one-story residence located in the Sailboat Bend Historic District. He said that the applicant was also requesting a COA for New Construction of Singita at Sailboat Bend, a residential project of four (4) three-story townhouse units with third story dormers. Mr. Cromar advised the Board that in reviewing the requests, they should consider the General Criteria for granting Certificates of Appropriateness as listed in Sec. 47-24.3.c.i.a-f, the criteria for demolition found in Sec. 47-24.11.C.4.c.i-iii, and the criteria for new construction as listed in Sec. 47-24.11.C.3.iii. Since the property was located in the Sailboat Bend Historic District (SBHD), the Board should also consider the Material and Design Guidelines for the SBHD as listed in Sec. 47-17.7.

Ms. Rathbun stated that the building at 307 SW 12<sup>th</sup> Avenue did not appear on either the 1937 or 1928 Sanborn Fire Insurance maps, nor was it listed in any of the city historic surveys. She said that the building was apparently built in 1958 and was not in the period of significance for the Sailboat Bend Historic District and did not meet the generally acknowledged "50 years or older" standard for recognition as an historic property. Ms. Rathbun cited Section 47-24.11.C.4.c.i, ii and iii regarding demolition criteria.

Ms. Rathbun referred to the ULDR Section 47-17 as to Material and Design Guidelines for the new construction. She stated that the architect had designed a two-story townhouse with a third story living space immediately below the sloped roof, i.e. a garret or finished attic space, sometimes referred to as a two-and-a-half story building. Ms. Rathbun confirmed that the project plan did not exceed the ULDR maximum 35-foot height restriction for the area. She said that by placing the third story under the sloping roof, the applicant intended to mitigate any adverse impact the building height might have in the neighborhood.

Ms. Rathbun cited Section Sec. 47-24.11.C.3.c.i.,

“In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:

- b) The relationship between such work and other structures on the landmark site or other property in the historic district.”

Ms. Rathbun continued, stating that the lot for the proposed project is surrounded by new construction or buildings built after 1955. She added that across the street from the site, there is one historic house at 304 SW 12<sup>th</sup> Avenue, a two-story wood frame vernacular cottage that appears on the 1928 Sanborn Fire insurance map and is listed in the 1993 Westside Historic Property survey. Ms. Rathbun said that adverse impacts of the proposed project on the historic structure are probably minimal.

Mr. Pieter Coetzee, the owner, stated that he had worked closely with the City and the Sailboat Bend Civic Association concerning the project design. He said he did not see any historic value in the existing hurricane-damaged home. Mr. Coetzee displayed photos of the existing home and renderings of his 2 ½ story town house. He said he had received complaints regarding the lack of green space and had subsequently consulted with Dave Gennaro of the City's Landscape Department. He added that he had redesigned the landscaping to include walkways made of colored stepping stones with grass in between and driveways made of “environmental pavers” that he described as green hexagonal pavers with grass in between. Mr. Coetzee said he also planned to move the large oak tree from the back yard to the front. He added that the City's Landscape Department had approved his plan.

Vice Chair Saunders proceeded to open the public hearing.

Mr. Richard Locke, neighbor, stated that he thought the Board should conduct two separate hearings: one for the demolition of the existing house and another for the new construction. He said he thought they should postpone voting on the demolition until after discussion of the proposed new construction. Mr. Locke added that he was concerned about the proposed building's visual compatibility with the neighborhood.

Mr. Mitchell Lambert, neighbor, stated he had originally approved of the project at the Sailboat Bend Civic Association meeting, but he had since driven by the site and felt the town house was too large compared to the two small houses on adjacent properties. He presented photos of a nearby home that he said was now flanked by three-story buildings. He added that he thought the new buildings dwarfed the older ones.

Mr. James Douglas, neighbor, stated that he thought the oak from the back yard would never survive the transplant to the front yard. He said there were two- and three-story homes in the area already that were unoccupied because rents were not affordable.

Ms. Dee Terry, neighbor and Sailboat Bend Civic Association member, stated that she too had voted for the project at the SBCA meeting but had driven by and realized how many trees would be removed from the property to accommodate the town house. She presented one photo of the current tree canopy on the property and another with the trees digitally removed. Ms. Terry said she was very concerned about the oak and pine trees that would be destroyed.

Mr. Paul Boggess, former member of the HPB, stated that he had voted against this project at the SBCA meeting. He presented photos of several buildings in the surrounding neighborhood. He said he did not understand why the existing one was not historically significant. Mr. Boggess said he also did not think that the oak tree would survive a move. He said he also was concerned that Mr. Coetzee intended to use railroad ties in the landscape. He said he feared that arsenic in the railroad ties would leach into the groundwater. (Mr. Coetzee later stated that he had changed the design to not include the railroad ties.)

Ms. Alyssa Plummer, neighbor and Master Gardener, stated that Sailboat Bend was a unique upland hammock and that pines on the property were unique to the area and it would be very sad to lose them. She said she did not think that green space was grass between pavers, but that green space pertained to canopy as well as ground-level landscaping. Ms. Plummer said she was not sure the relocated tree would survive and wanted the developer held responsible for maintaining the relocated trees or replacing them if they died. Ms. Plummer noted that Broward County had a 14% canopy, less than half the national average, and wanted the Board to be mindful of this.

Ms. Gayle Bremmer said she was the owner of the property next to the site of the proposed project. She stated that she liked Sailboat Bend as a "mixed neighborhood" and had no objection to the proposed plan. She noted that her renters in the adjacent building saw benefit to the plan.

There being no more individuals who wished to speak on this item, Vice Chair Saunders closed the public hearing and brought the discussion back to the Board.

Mr. Howard said that the main concern seemed to be the canopy, not the existing house. He said that he thought they must find a way to preserve the canopy.

Mr. Coetzee confirmed that the SBCA had approved his project and agreed to provide a copy of that letter to Mr. Cromar.

Several Board members said they unsure whether any tree could be removed at the developer's discretion or if an ordinance limited him. The Assistant City Attorney stated that the Board should not be considering landscape issues since the City's Landscape Department had already approved the landscape plan and this topic was outside the HPB's purview.

Mr. Haan noted that Ms. Rathbun cited Secretary of the Interior Guidelines for landscape. The Assistant City Attorney noted that the City Commission had not adopted these guidelines; only City ordinances could be applied. She added that Ms. Rathbun used the Secretary of the Interior Guidelines to explain how City ordinance was developed.

Mr. Haan cited ULDR Section 47-24.11.C.3.c.ii.b: "The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed." He continued, citing c.ii under the same heading: "The effect of the proposed work on the landmark or the property upon which such work is done must be considered." Mr. Haan then cited the Secretary of the Interior Guidelines regarding, "District/neighborhood, not recommended": "Stripping features from buildings or the streetscape or removing or destroying landscape features, including plant material."

The Assistant City Attorney referred back to 47-24.11.C.3.c.ii.b., and noted that the owner said he was moving the trees. She added that the City Attorney's office had stated that landscaping issues were not the jurisdiction of the HPB. She added that the City's Landscape Department had already determined that the landscaping presented in the application comported with City ordinances.

Mr. Haan said that the City's Landscape Department did not consider the historic nature of the neighborhood when interpreting the landscape ordinances. Mr. Haan continued, stating that he thought this was the job of the HPB.

Mr. Coetzee showed where the Dade County pines were located on the property and also referred to his arborist's report. He said that the oak in the back yard was under 18" caliper and could be taken down legally. Mr. Coetzee stated that he had successfully moved a 26" caliper tree last year and it was still alive. He said that the City would charge him for removal of the pine trees.

Mr. Haan said he felt the townhouse design was generally appealing but he was concerned with the scale of it in relation to the surrounding area. He said he had no objection to demolishing the existing house but did not want to approve demolition until he was happier with what would replace the demolished house.

The Assistant City Attorney advised the Board to vote on the demolition first, and if that was approved, they would then vote on the COA for the proposed new construction. She said that if the COA for demolition was denied, the request for the COA for the proposed new construction would be continued until Mr. Coetzee successfully obtained a COA for demolition.

Mr. Saunders stated he had no comment on the demolition since the SBCA had approved the project and they were the voice of the neighborhood.

**Motion** made by Mr. Howard, seconded by Mr. Haan to approve the application for a COA for Demolition as presented. Roll call vote showed: Yeas: Mr. Howard, Ms. Dandy, Mr. Wieland, Mr. Jolly, Ms. Graff, Mr. Haan, Mr. Welch and Vice Chair Saunders; Nays: None. Motion approved (8-0).

Mr. Coetzee reiterated that he had met repeatedly with the Sailboat Bend Civic Association (SBCA) to discuss his design plans and returned to the City to be sure his design complied with City requirements as well.

Vice Chair Saunders proceeded to open the public hearing.

Mr. Patrick DeVosjoli, First Vice President of the SBCA, confirmed that Mr. Coetzee had met with them on several occasions and that they had ultimately approved the project. He asked the HPB to approve the project as well.

Mr. Locke stated that he supported the project but asked the Board to consider the visual compatibility requirements and the material guidelines. Mr. Locke made several suggestions he felt would improve the visual compatibility.

Mr. Boggess stated that glass blocks were never approved when he was on the HPB and felt there was no way this building would be visually compatible. Mr. Coetzee said he would agree to not use the glass blocks.

There being no more individuals who wished to speak on this item, Vice Chair Saunders closed the public hearing and brought the discussion back to the Board.

Mr. Welch stated that he appreciated the overall design but was concerned about visual harmony with the neighborhood.

Mr. Haan referred to the photo of a home next to a looming townhouse and noted that he had often heard complaints that new construction was too massive. He referred to the section of the guidelines in ULDR Section 47-24.11.C.3.c.iii.a that stated the new construction height should be "visually compatible with adjacent buildings." He said he also was concerned with ULDR Section 47-24.11.C.3.c.iii.e - the relationship of open space to building. He said that if a 54-foot wide building was put on a 75-foot lot, there was no room for landscaping. Mr. Haan also referred to Section 47-24.11.C.3.c.iii.i and said that the building did not qualify in any of these respects. He noted that this was the first design the HPB had reviewed for Sailboat Bend with the garages in the front and rear of the building and he felt Mr. Coetzee should consider other design options.

Mr. Howard stated he was in favor of the project. He said he was pleased that the design did not appear to be three stories. He continued, stating that on the basis of the criteria on which the HPB could base a decision, he felt the architect had done a good job.

Mr. Saunders said that if the City Landscape Department approved the landscape plan, it must meet the City's requirements.

Mr. Haan stated that the HPB was entrusted with preserving Sailboat Bend's character. He said that their manual instructed them to consider the mass, scale and height of new construction. He added that ignoring this would be a dereliction of their duties.

**Motion** made by Mr. Howard, seconded by Ms. Dandy to approve the application for a COA for New Construction. Roll call vote showed: Yeas: Mr. Howard, Ms. Dandy, Mr. Welch and Vice Chair Saunders. Nays: Mr. Wieland, Mr. Jolly, Ms. Graff, and Mr. Haan. Motion failed 4 - 4.

- 5. Owner: Molly Hughes Case No. 10-H-05 (SB)**  
**Location: 728 SW 4 Place**  
Request: Certificate of Appropriateness for Alteration:
  - Addition of back porch, made of CBS with stucco, with overhead trellis.
  - Addition of grill enclosure, made of CBS with stucco.
  - Realignment of concrete driveway and addition of concrete walkway,
  - Upgrade of pedestrian gate and gated car entrance.Legal: "Rio Alta" being a Resubdivision of Block 34 of the Town of Fort Lauderdale. Block 34, the East 25' of Lot 2 and All of Lot 3. P. B. 7, P. 19.  
Zoned: RS-8/ Sailboat Bend Historic District Overlay



Mr. Cromar stated that this was a request for a COA for Alteration for which the applicant proposed the following: the addition of back porch made of CBS with stucco, with an overhead trellis; the addition of grill enclosure made of CBS with stucco; the realignment of the concrete driveway and the addition of concrete walkway, and the upgrade of a pedestrian gate and gated car entrance. Mr. Cromar said that in reviewing the request, the Board should consider the General Criteria for granting Certificates of Appropriateness as listed in Sec. 47-24.3.c.i.a-f, and the criteria for alteration found in Sec. 47-24.11.C.4.c.ii. He added that since this property in question was located in the Sailboat Bend Historic District (SBHD), the Board should also consider the Material and Design Guidelines for the SBHD as listed in Sec. 47-17.7.

Ms. Rathbun stated that the house was shown on the 1960s Sanborn Fire Insurance map, but not on earlier maps. She said that the property did not appear in the HPB Architect's database. She continued, stating that the applicant was requesting a COA for a screened porch to be added to the rear of the property and an upgrading of concrete posts at the front of the property. Ms. Rathbun noted that the porch addition could be removed in the future without change to the house.

Ms. Rathbun cited the ULDR Section 47-17.7 - Material and Design Guidelines for Sailboat Bend: 47-17.7.B.1.a.i and 47-17.7.B.1.d.vi for general materials and design; Section 47-17.7.B.5.a.i for the screened porch, and 47-17.7.B.6.a.i for the gate columns. She noted that the project met the requirements of the Sailboat Bend Historic materials and design guidelines.

Ms. Molly Hughes, owner, stated she was now trying to complete exterior renovations to the house.

Vice Chair Saunders proceeded to open the public hearing. There being no individuals who wished to speak on this item, Vice Chair Saunders closed the public hearing and brought the discussion back to the Board.

Mr. Haan said he was concerned about the existing chain link fence in front of the property. Ms. Hughes confirmed that the gate would be replaced and she intended to camouflage the fence with landscaping.

**Motion** made by Mr. Welch, and seconded by Mr. Howard to approve the COA for alteration as presented. Roll call vote showed: Yeas: Mr. Howard, Ms. Dandy, Mr. Wieland, Mr. Jolly, Ms. Graff, Mr. Haan, Mr. Welch and Vice Chair Saunders; Nays: None. Motion approved (8-0).

## II. Other Business

Mr. Cromar explained that pursuant to Policy 11.3 of the Historic Preservation Element of the City of Fort Lauderdale Comprehensive Plan, "All proposed impacts to historic resources shall be reported to the Historic Preservation Board for review and comment." He said that this evening, the Board would review and comment on the following two presentations:

- Amended 200 Brickell proposal and its potential impact on the neighboring Bryan Building, 220 S.W. 1<sup>st</sup> Avenue.
- Proposed warehouse/storage building at 1320 State Road 7 and its potential impact on the neighboring Peele Dixie Water Treatment Plant, 1500 State Road 7.

**1. Presentation of the amended 200 Brickell proposal and its potential impact on the neighboring Bryan Building, 220 S.W. 1<sup>st</sup> Avenue.**

**Arline A. Sterling, TR**

DRC Case No. 103-R-03

Legal: Town of Fort Lauderdale, Block 26. Lots 1, 2, 3, 4, North 25 feet of Lot 5, and Lot 24.

P.B. "B", P. 40 (D).

Zoned: RAC-CC

Location: 200 Brickell (218 SW 1 Ave)

Request: Site Plan Review and Comments from HPB.

Ms. Rathbun read from her original December 2003 memo regarding this case and described the building, its history and construction. She noted that Fort Lauderdale had provided an evaluation of the impacts of the proposed development on the historic Bryan Building. She was in general agreement with Janus Research in their conclusion that there would be no direct adverse impact on the historic Bryan Building by the development, but she reiterated her previous comment that by placing this very large building in such close proximity to the historic structure, the Bryan Building would be diminished and seen as an annex to the new construction.

Mr. Jeff Lis, Styles Development Company, explained that the only difference in the new plan was the addition of three office floors. He said they had asked Tony Abatte at FAU to analyze the impact of the additional floors on shadows and he had determined that the effect was negligible. Mr. Lis displayed renderings of the new plan and photos of the Bryan building in relation to this building and the parking garage. He assured the Board that at no point did the new building actually come in contact with the Bryan Building. He then showed the Board the elevation depicting the relationship between the Bryan Building and the parking garage. Mr. Lis explained to Mr. Saunders that the entrance to the parking garage was on Second Street, on the north side of the building.

**2. Presentation of the proposed warehouse/storage building at 1320 State Road 7 and its potential impact on the neighboring Peele Dixie Water Treatment Plant, 1500 State Road**

**Dorothy Bazel / Barry Bazel**

DRC Case No. 118-R-04

Legal: Davie Boulevard Park. Block 1, Lots 12 and 13.

P.B. 23, P. 6.

Zoning: B-2

Location: 1320 State Road 7

Request: Site Plan Review and Comments from HPB.

Ms. Rathbun explained that the Peele Dixie Water Plant was designated an historic property by the City of Fort Lauderdale in 1991. Ms. Rathbun said she thought it was of significance and likely eligible for the National Register of Historic Places. She said the applicant had provided a study of the possible impacts on the historic resource of the proposed construction at 1320 State Road 7. Ms. Rathbun continued, stating that the applicant proposed a one-story, mixed use building on two lots immediately north of the Peele Dixie site. She said the new construction would be located over 150 feet away from the historic building. She added that the

new building would be built in a neo-Mediterranean style compatible with the historic resource. Ms. Rathbun agreed with the study that there would be no impact on the historic Peele Dixie Water Plant.

Mr. Richard Simon, architect from Simon Associates, explained that this proposal had been awaiting the determination of whether FDOT had the right of way through the property, but this had finally been cleared up. Mr. Simon further explained that the site was 4,100 square feet and had been used for parking 30 years ago for a retail business across the street. He presented plans and elevations from State Road 7 and the alley and noted that it did not face State Road 7. Mr. Simon stated that the planned paint colors would be compatible with the water plant.

### **III. For the Good of the City**

- Election of New HPB Chair

Mr. Welch nominated Mr. Saunders for Chair and Mr. Jolly as Vice Chair. Roll call vote showed: Yeas: Mr. Howard, Ms. Dandy, Mr. Wieland, Mr. Jolly, Ms. Graff, Mr. Haan, Mr. Welch and Vice Chair Saunders; Nays: None. Motion approved (8-0).

- Sunshine Law discussion

The Assistant City Attorney explained the principles and requirements of the Sunshine Law:

- Public notice must be provided in advance of all meetings
- The public must be permitted to attend
- Minutes must be taken of meeting

She further explained that a "meeting" constituted two or more members discussing Board issues. Board members would be in violation of the law if they discussed any HPB issues anywhere but during the course of an HPB meeting. She said they were permitted to attend civic association meetings but could not discuss any item that might come before the HPB. She added that they should refrain from discussing past cases as well.

The Assistant City Attorney explained that penalties for violation included removal from the Board and state criminal penalties. She said that violation of the Sunshine Law was a second-degree misdemeanor, punishable by up to 60 days in jail and a fine of \$ 500.

Mr. Haan asked if it was permissible to announce HPB meetings in an online newsgroup and to discuss projects with non-Board members. The Assistant City Attorney confirmed that notification about projects was permitted, but she cautioned Board members not to discuss projects that might become HPB cases with applicants, as this might affect their presentations. She added that applicants should not be contacting individual Board members about their cases either.

Mr. Haan asked if a member must refrain from a vote if he or she has violated the Sunshine law. The Assistant City Attorney stated that only a conflict of interest, occurring when the outcome of a case would have a direct financial impact on a Board member, allowed one to abstain.

Mr. Haan asked if they were permitted to photograph sites and consider the photos when deciding cases. The Assistant City Attorney stated that the Board members were not to

participate in argument of the case or gather independent evidence. She said that their decisions should be based on the applications as presented by the applicant; offering or accepting independent evidence would violate the applicant's due process rights.

Mr. Ceisielski asked the Assistant City Attorney to confirm that the Board should consider the applicant's presentation, the criteria, the opinion of the City staff and consultant in making their decisions. The Assistant City Attorney reminded the Board that Ms. Rathbun was hired to perform research and present expert testimony.

The Assistant City Attorney advised Board members to call her office if they had any additional questions.

Mr. Cromar announced that the next meeting would take place on July 18<sup>th</sup> due to the July 4 holiday.

There being no further business to come before this Board, the meeting was adjourned at 7:53 p.m.

CHAIRMAN

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William Saunders, Chair

ATTEST:

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Jamie Opperlee, Recording Secretary