

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, APRIL 5, 2010 - 5:00 P.M.
CITY HALL FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 6/2009 through 5/2010	
		<u>Present</u>	<u>Absent</u>
Susan McClellan, Vice Chair	P	9	0
Beauregard Cummings	A	5	4
Matthew DeFelice	P	4	0
Joyce Gardner	P	6	2
Marie Harrison	A	6	2
Daryl Jolly	A	4	5
David Kyner	A	0	1
Robert Prager	P	7	2
Robert Rojas	A	5	2
Scott Strawbridge	P	4	0
Allen Wilkerson	A	0	3

City Staff

Assistant City Attorney Carrie Sarver
Pat Garbe-Morillo, Planning and Zoning Department
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Anthony Fajardo, Historic Preservation Board Liaison
Greg Brewton, Planning and Zoning Director
J. Opperee, ProtoType Recording Secretary

Guests

Fort Lauderdale Commissioner Romney Rogers
Alysa Plummer, Vice President of the Sailboat Bend Civic Association and Chair of the Historic Ordinance Committee
David Baber, Broward County Historical Commission Administrator

Communication to the City Commission

None

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Purpose: Implement the City's historic preservation regulations, which promote the cultural, economic, educational and general welfare of the people of the City and of the public generally through the preservation and protection of historically or architecturally worthy structures.

Call to Order

Ms. McClellan called the meeting of the Historic Preservation Board to order at 5:02 p.m.

All members of the public wishing to address the Board on any item were sworn in.

Approval of Minutes of March 2010 Meeting

Motion made by Mr. Prager, seconded by Ms. Gardner, to approve the minutes of the Board's March 2010 meeting. In a voice vote, Board approved unanimously.

Ms. Sarver informed the Board that they required a majority of total Board membership for a quorum, not of appointed members, so with five members present, the Board did not have a quorum.

Mr. Greg Brewton, Planning and Zoning Director, confirmed that the Board could conduct discussion but could not vote without a quorum.

Mr. Brewton introduced Anthony Fajardo, new Liaison to the Historical Preservation Board [HPB], and advised Board members that Mr. Fajardo was very knowledgeable regarding code issues.

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1. Commissioner Romney Rogers

Commissioner Rogers reported the City Commission conference agenda the following day included an item that was a re-write of the HPB ordinance. Commissioner Rogers felt it would be in the best interest of the City if the HPB came to a consensus regarding changes they favored to the ordinance.

Mr. Prager said one of the most important points was the relationship between the Unsafe Structures Board [USB] and the HPB. He believed the way the relationship stood was perfect and should not be changed. Mr. Prager noted that if the USB found a property should be torn down, the HPB gave the issue a second look and final approval, and he would hate to see this changed. He had not heard any better suggestions on

how to handle this. Commissioner Rogers stated he agreed with Mr. Prager, and was “uncomfortable with the way it’s proposed to be amended now.” He felt that “more guidance to the Commission in this case where it lands as to what’s more important, public safety or historic preservation and how to weigh that is really sort of the gravamen of the whole issue.” They had heretofore relied on the City Attorney, whose opinion was that public safety was most important.

Commissioner Rogers suggested that it would be paramount to provide notice to the HPB for any property with historic value that came before the USB. After the USB ruled, he felt there should be a right to appeal to the City Commission. Mr. Prager was disturbed that the HPB would have no vote in matters heard by the USB. Commissioner Rogers stated the ordinance could be amended to indicate that a member of the HPB would have a vote when the USB heard cases involving historic properties.

Ms. Gardner wanted to address the loophole Mr. Strawbridge had pointed out at the previous meeting regarding buildings’ losing their designations when they were moved. She also suggested requiring the opinions of two engineers from different firms regarding the condition of a property. Ms. Gardner added that the USB did not take into consideration that a building could be repaired. Commissioner Rogers said one of the ordinances he had reviewed stated that a determination should be made in writing that there existed no feasible alternative to demolition.

Mr. Strawbridge stated they had no prescribed way of accepting a feasibility study. He noted that economics were not a criterion at the first-tier review. He said other cities considered economics, whether the structure was contributing and what the relative feasibilities were between demolition and reconstruction. Other cities also required an approved site plan.

Commissioner Rogers said these suggestions proved that it was critical for the Board to devise recommendations to improve the ordinance that could be presented to the Commission. Mr. Strawbridge agreed the Board needed more time to consider changes and to review other ordinances for possible solutions.

Mr. Sarver stated proposed changes to the amendment would be heard by the Planning and Zoning Board and then go to the City Commission for two public hearings. She noted that the amendment could be edited at the Commission level between the first and second readings. Changes made at the Commission meetings did not have to be approved by the Planning and Zoning Board.

Commissioner Rogers reiterated that the Commission wished input from the HPB and the public.

2. Good of the City

Proposed Amendments to the Historic Preservation Ordinance

Ms. Alysa Plummer, Vice President of the Sailboat Bend Civic Association and Chair of the Historic Ordinance Committee, introduced David Baber, Broward County Historical Commission Administrator, who had been working with her committee at the request of Mayor Seiler and Commissioner Rogers to take a comprehensive look at the City's ordinance and other ordinances in the State of Florida. Ms. Plummer suggested the HPB name a liaison to meet with the Historic Ordinance Committee and Mr. Baber to draft a document that met with the HPB's approval.

Mr. Baber distributed copies of changes he proposed to the City's ordinance. He had reviewed existing ordinances in the State and worked with the Sailboat Bend Civic Association to consider what changes and additions should be made. Mr. Baber stated a particular weak point was the lack of definitions in the City ordinance.

Mr. Baber remarked that this was their opportunity to "really make it right" and noted that it had taken Sarasota County nine months to perfect their ordinance.

Mr. Strawbridge said the Board had not been tasked with rewriting the code, and he was unsure what they should do at this point. Mr. Brewton advised the Board to review the information Mr. Baber had distributed. Mr. Fajardo said staff would receive direction from the Commission at their conference meeting the next day regarding whether they should address just those specific issues that had come up or they should look at the entire ordinance.

Ms. Sarver stated they had originally been asked to review three parts of the code, but since then the Mayor and Commissioner Rogers had spoken to the Sailboat Bend Civic Association, but staff had received no official direction from the City Commission as a whole. This would be addressed at the conference meeting the following day. Ms. Sarver advised that Board members could speak at the conference meeting.

Ms. McClellan and Ms. Gardner agreed they should consider the entire ordinance. Ms. Sarver advised Board members who could not attend the conference meeting to email their Commissioners.

Mr. Baber said the ordinance concerning Sailboat Bend Historic District had several issues that needed to be addressed, and offered to work on this.

Mr. Strawbridge stated he hoped the Board could become more proactive. He was concerned about some of the City's resources, and reminded the Board that they had a Save America's Treasure property that had been included on the 11 Most Endangered

Properties in the Nation list by the National Trust and the Florida Trust due to 'rampant over-development and an uncontrolled building code.'"

Mr. Strawbridge said it was the opinion of the City Attorney that the period of significance for Sailboat Bend ended at 1940, but there was a report listing 125 post-1940 buildings as contributing that staff had used for testimony at public hearings.

Mr. Strawbridge read a comment from a Sailboat Bend Civic Association newsletter from December 2007: "The entire premise of the Sailboat Bend Historic District ordinance as intended by the author and those of us who were around at that time to assist, debate and support it was to preserve properties that were characteristic of a particular period, mainly those built prior to 1940, and to provide an architectural guide of sorts for the development of new properties in the hope that an overall period style would result. The Historic Property Survey, which was put together in support of the ordinance, included those properties that met this criteria and period. It was never the intent of the ordinance to continue to add properties based merely on age, especially if they were not characteristic of the period." Mr. Strawbridge said they now had staff identifying a Chinese restaurant and the Police Station as contributing, and they were now recognizing gable-end quads as contributing and there was much reconciliation to do before moving forward.

Mr. Fajardo explained that the report to which Mr. Strawbridge referred was a working document for staff and it had not been presented to the City Commission yet. He therefore felt it was not something they should consider now. Mr. Strawbridge questioned why they should not consider this staff effort, and at the same time why they were expending resources on a document that identified contributing properties when the City Attorney stated they were not. Mr. Fajardo stated until the City Commission directed staff to use this report, the HPB should not consider it.

Mr. Baber explained that a period of significance should be stated in a specific historic district ordinance or document; this should not be included in the umbrella ordinance that created an historic designation program. He was focusing on the umbrella ordinance, which he felt must be resolved first. Ms. Sarver advised the Board to use the existing ordinance in the meantime.

Mr. Baber indicated some of the changes he proposed. He clarified for Ms. Sarver that the County Ordinance he used was created to provide a starting point for municipalities; it was not the ordinance adopted by the County.

Ms. Sarver advised they would wait until after the City Commission conference meeting the next day for staff to receive direction. In the meantime, the Board could review the material Mr. Baber had provided. She agreed staff would let Board members know the outcome of the meeting by email.

3. Communication to the City Commission

None

There being no further business to come before the Board, the meeting was adjourned at 5:59 p.m.

Chairman,

Nolan Haan, Chair

Attest:

ProtoType Inc, Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results: <http://ci.ftlaud.fl.us/documents/hpb/hpbagenda.htm>

Minutes prepared by: J. Opperlee, ProtoType Services