

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, AUGUST 2, 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 6/2010 through 5/2011	
		<u>Present</u>	<u>Absent</u>
Susan McClellan, Chair	P	3	0
Matthew DeFelice, Vice Chair	P	3	0
Beauregard Cummings	A	1	2
Joyce Gardner	P	1	2
Mary Jane Graff [until 7:41]	P	2	0
Marie Harrison	P	2	1
Daryl Jolly	A	0	3
David Kyner	P	3	0
Phillip Morgan	P	2	0
Robert Prager	A	2	1
Scott Strawbridge	A	1	2

City Staff

Assistant City Attorney Carrie Sarver
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Pat Garbe-Morillo, Planning and Zoning Department
Anthony Fajardo, Historic Preservation Board Liaison
Mike Ciesielski, Planner II
J. Opperee, ProtoType Inc.

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

Chair McClellan called the meeting of the Historic Preservation Board to order at 5:00 p.m.

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

Approval of Minutes of July 2010 Meeting

Motion made by Mr. Morgan, seconded by Ms. Harrison, to approve the minutes of the Board's July 2010 meeting. In a roll call vote, Board approved unanimously.

1. Proposed Amendments to the Historic Preservation Ordinance [Index](#)

Mr. Fajardo explained the revision process to Board members and distributed copies of the revisions.

Sections under review:

47-32.1, Purpose

Board members had no comments regarding these proposed revisions.

47-32.4, Membership

Mr. Morgan asked what impact reducing the Board membership from 11 to seven would have on achieving a quorum and what had prompted the suggestion. Mr. David Baber, Broward County Historical Commission Administrator, explained that five to seven members was typical for a Preservation Board. He noted that the more members the Board had, the more members must show up for a quorum. He noted that the HPB sometimes found itself lacking a quorum for meetings.

Ms. Sarver said if the number of members were reduced, fewer members must agree on issues that affected an owner's property rights. Mr. Baber noted that they had expanded on the members' qualifications, including the requirement that two of the members reside in an historic district. They had included professional qualifications for

other members. Ms. Sarver suggested editing the language to indicate, "*To the extent possible, at least two members shall reside in historic districts...*"

Mr. Kyner said he opposed reducing the number of members to seven; he felt this decreased the Board's chances of reaching a quorum. Mr. Kyner also believed that having seven members made it more likely the vote would be split. Ms. Sarver said her office recommended not reducing the number to seven. Mr. Baber said in his experience, it was actually more difficult to achieve a quorum with a larger board.

Ms. Gardner felt that more members provided a wider representation more reflective of the City. Ms. Graf said in her experience, having eleven members was cumbersome.

Motion made by Mr. Kyner, seconded by Chair McClellan, to determine that the Board should have nine members. In a roll call vote, motion passed 5 – 2 with Ms. Gardner and Ms. Graf opposed.

47-32.5, Qualifications

Mr. Baber stated they had suggested changing qualifications to indicate that one Board member shall be a registered architect, and they had expanded on the other professions to be included. They had also added annual training requirements. Ms. Graf agreed that training was imperative for Board members, since many had not been involved in preservation. Chair McClellan said Board members should remember to apply the specific ordinances when they made motions regarding the projects they reviewed.

Mr. DeFelice felt training was important as well, but he wondered how they could ensure that all Board members received the training. Mr. Baber stated the way the revision was written, it mandated training in two areas that were directly linked to their obligations.

Mr. DeFelice wanted it made clear who would provide the training to Board members. Mr. Baber said it was the City's responsibility to make certain Board members were provided training, whether the training was provided by City staff or by outside entities. Mr. DeFelice asked if it would be appropriate to designate a particular meeting or workshop for training purposes each year. Ms. Graf noted that there were outside educational opportunities throughout the year that the Board could miss if the opportunities did not occur at the designated time. Ms. Sarver said the items mentioned in the revision: the Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the Design Guidelines were included in Board members' orientation packets.

Mr. Morgan felt the provision should have two parts: making training available for the Board, and at minimum, an annual workshop that would include the items mentioned in

the revision. Ms. Alyssa Plummer, Sailboat Bend resident, remarked that materials provided at orientation were not training; training was an interactive process with goals and objectives. Mr. Kyner said they should define what the training would be. Chair McClellan suggested requiring annual training workshops, and Mr. Baber suggested a total of four hours. Chair McClellan wanted to include that staff would keep the Board apprised of additional local training opportunities.

Mr. Fajardo said staff would incorporate the Board's additional suggestions and prepare a revision.

Regarding Board members' qualifications, Mr. Morgan felt the language was unreasonably restrictive and it would be difficult to find Board members in each of the mentioned professions. Ms. Sarver said the phrase "to the extent possible" provided the necessary flexibility. Ms. Graf suggested adding back in the original language: "...the remaining members shall be from other segments of the community." Mr. Kyner suggested changing the proposed language to "...the remaining members shall be practicing or retired professionals from any of the following..." Mr. Kyner objected to including the language "All members shall have a demonstrated commitment to historic preservation." He felt this invited a challenge to define what "demonstrated" meant and would require setting criteria. Mr. Charles Jordan, Sailboat Bend resident, said he would prefer to leave the word "demonstrated" in and to cite how one should demonstrate his/her commitment. Mr. Fajardo agreed to re-work the language with a couple of options for the Board to consider.

47.32.3, Powers and Duties

Chair McClellan suggested stating in this section under 4.a.iv that staff would keep Board members notified when new surveys were completed and were ready to be presented to the Commission. Mr. Fajardo agreed to add this language.

Regarding the proposed language for 4.a.iii regarding validation of the findings of surveys and inventories, Mr. Jordan said this had been included to ensure that the Board could prevent the removal of a property from the survey that a potential non-preservationist at the City wished to see demolished. Ms. Sarver said the only body that could validate a survey was the City Commission. Mr. Jordan said the City Commission would give the HPB the authority to validate the survey. Mr. Fajardo said it was ultimately the City Commission that adopted the surveys. Mr. DeFelice said as the City was progressing toward Certified Local Government status, surveys would be required as development progressed. Requiring the survey to be validated by the Commission as opposed to the HPB would create a roadblock in the development process.

Mr. Fajardo said he must research how the surveys were approved. Ms. Sarver thought there might be something in the Charter requiring them to be approved by the

Commission; she agreed to find out. Chair McClellan said the Board had heard qualified people make comments about existing surveys that had changed their perceptions of historic properties. As a body, Chair McClellan believed they could make recommendations, but she was unsure if the Board wanted to take on the charge of determining "this is a valid view and this is what the City should really be adopting." She suggested that on a regular basis "all of our information that we've gathered...we now need to take that to the Commission to vet as being good and right and bona fide and sincere."

Mr. DeFelice asked about properties that were required to undergo compliance surveys. Mr. Fajardo was not aware that this process had been established.

Mr. Ciesielski explained that the updated Florida Master Site File that was completed in 2001/2002 had been presented to the HPB and approved by the City Commission. Mr. Ciesielski reminded the Board that decisions made by the HPB were subject to City Commission call-up.

Mr. Jordan believed they were making adoption of the historic surveys too formal a process. He felt this had always been the purview of the HPB.

Mr. DeFelice repeated his question about compliance surveys, and Mr. Baber explained that when the County reviewed the Kennedy Homes plat, they had recommended that a survey be done to determine if there were archeological resources and to confirm whether or not the building was eligible to be locally or nationally designated. He said this was a legitimate survey that should be treated the same as the historic surveys. Ms. Sarver said this was not a legitimate survey as adopted by the City Commission.

Mr. DeFelice asked if staff advised developers to perform a survey to determine whether an existing property might be eligible for designation if they suspected a building set for redevelopment was eligible. Mr. Fajardo said this was not done. They did put conditions on archeological sites, but the City had never done anything based on age of a building or architectural features. Mr. DeFelice said this should be addressed. Mr. Ciesielski stated their role was clearly noted in 47-24.11.C regarding review of new construction. Comprehensive Plan policy 1-11 regulated development in an archeologically significant zone. Anything subject to DRC review must go through Broward County and could be subject to a Phase 1 study. Mr. Ciesielski said if development was proposed adjacent to an historically designated site, it could be presented to the HPB for review and comment.

Mr. DeFelice said at the County, there was a mechanism to require surveys for buildings and archeological site, but there was not a mechanism to put the results of the survey into place. Mr. Baber said this was a different process and if the Board wished, he agreed to draft a development review ordinance that would require review of all development activity for impacts on historic and archeological resources.

Mr. DeFelice said his initial concern was that documents done for compliance reasons were recognized as official surveys and they became part of what staff used to create historic districts. Mr. Fajardo agreed to look at draft language regarding this.

Mr. Baber explained that the intent of the proposed language for 47-24.11.E.4.a.xv was that the HPB would make recommendations on the types of activities for which the City could apply for grant funding and would also encourage the City to perform outreach to property owners regarding incentives.

Mr. Jordan said they had been trying to establish a revolving fund to be used for historic properties that were deteriorating. He said there had been over \$300,000 in Code Enforcement fines taken in from Sailboat Bend and the money was put back into the General Fund. This was the funding he wanted to put in the revolving fund to lend to property owners at a low interest rate.

Chair McClellan said it would be interesting to have historic properties noticed in the WOW Awards. Mr. Baber suggested a special awards ceremony during Historic Preservation Month.

47-32.6, Meetings and Procedures

The Board had no suggested changes for this section.

47-32.7, Quorum

Regarding the proposed language for quorum requirements, Ms. Sarver said the City Attorney's office recommend this not be changed to base a quorum on appointed members instead of on total possible members. She noted that the HPB concerned property rights, and changing this would put the decision in the hands of fewer people. Ms. Sarver reminded the Board that the City had passed a specific resolution addressing this. Mr. Baber noted that currently, a public hearing must be held within 60 days of the application. Mr. DeFelice feared that if the Commission did not want an item heard, they could intentionally leave the Board under-appointed to prevent a hearing.

Motion made by Mr. DeFelice, seconded by Ms. Gardner, to adopt the proposed language for 47-24.11.E.5.d. In a roll call vote, motion passed 5 – 2 with Mr. DeFelice and Mr. Morgan opposed.

47-24.11.B, Historic Designation

Mr. DeFelice pointed out that the language proposed for 47-24.11.F.1 should use the terms "historic resource" and "contributing" instead of landmark.

Mr. DeFelice requested the Board consider adding 47-24.11.F.1.k: Archeological sites and 47-24.11.F.1.l: Paleontological sites. He noted that the language was currently

very architecture-heavy. He presented verbiage to Mr. Fajardo for these additions and explained the language was from the County's Cultural Resource Designation ordinance. Mr. Baber suggested adding "national" to the list of significance designations. Mr. DeFelice agreed to provide Mr. Baber with definitions for archeological and paleontological.

Mr. DeFelice stated the section on the designation process was architecture-heavy, and they must ensure that archeological and paleontological sites were not passed over. He recommended changing the proposed language for 47-24.11.F 3.a.ii to separate the dates of construction from the names of owners and to add an item to require the dates or periods of utilization or cultural occupation. Mr. Baber suggested separating this for archeology specifically and agreed to draft language. Mr. DeFelice was unsure how to recognize dates of paleontological sites and suggested separating the criteria for historic resources and paleontological and archeological sites.

Mr. Morgan asked why the *Successive Applications and Amendments and Rescissions* sections 47-24.F.8 and 9 had been deleted. Mr. Baber stated it did not make sense to require eight months to re-apply. He said the *Amendments and Rescissions* section had been unintentionally deleted. Ms. Sarver advised keeping both items and the Board could set a different time limit for re-application. The Board agreed to leave both of these in. Mr. Jordan advised that 47-24.F.4.e regarding deferment be retained; the Board agreed. Mr. Baber recommended removing 47-24.F.4 regarding the review process by the Planning and Zoning Board. Mr. Fajardo said this provided another opportunity for the public to attend a public meeting to discuss the application. Mr. Baber said they had looked at several ordinances and seen no precedence for this. Mr. Fajardo cautioned that the designation of an historic district affected property rights. Ms. Sarver agreed to consult Sharon Miller, the City's Planning and Zoning attorney.

Mr. Fajardo agreed to send the next section to Board members to review.

2. For the Good of the City

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Ms. Sarver asked the Board if they wanted a workshop regarding the current code criteria for Certificates of Appropriateness. She distributed a checklist the Board could use for each application. Mr. Fajardo informed the Board that the 8th floor conference room was available on Friday evenings in August.

Motion made by Chair McClellan, seconded by Mr. DeFelice, to hold a workshop on August 27 at 3 p.m. in the 8th floor conference room. In a roll call vote, Motion approve unanimously.

Ms. Graf left the meeting at 7:41.

Chair McClellan said there had been a joint historical meeting that week, and the County was considering cutting the budget for the Historic Commission. She urged Board members to write letters to their County Commissioners. Mr. Baber said the Commission was considering a \$275,000 budget cut that would eliminate the Historical Commission. He said the cut could be made if the County Commission did not vote to increase the millage rate.

Mr. DeFelice asked if the Board could propose a property for designation. Ms. Morillo said any person could nominate a property for designation. Ms. Sarver confirmed that if a Board member made the application, that member must recuse him/herself from the vote. Mr. Fajardo said the entire Board could make a recommendation regarding a specific property and the City could then be the applicant.

3. Communication to the City Commission

None.

There being no further business to come before the Board, the meeting was adjourned at 7:49 p.m.

Next Meeting

The Board's workshop was scheduled for August 27 at 3:00 p.m. and their next regular meeting was scheduled for September 13, 2010.

Chairman,

Susan McClellan, Vice 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 Inc.