

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, MARCH 7, 2011 - 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	10	0
Matthew DeFelice, Vice Chair	P	9	1
Beauregard Cummings	A	3	7
Mary Jane Graff	P	7	2
Marie Harrison	P	8	2
David Kyner	P	9	1
Phillip Morgan	P	8	1
Robert Prager	A	6	4
Scott Strawbridge	P	8	2
Gretchen Thompson	P	2	0

City Staff

Assistant City Attorney Carrie Sarver
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Anthony Fajardo, Historic Preservation Board Liaison
Greg Brewton, Planning and Zoning Director
Jenny Morejon, Principal Planner
Pat Garbe-Morillo, Planning and Zoning Department
Wayne Jessup, Deputy Director, Planning and Zoning
J. Opperee, ProtoType Inc.

Communication to the City Commission

Motion made by Ms. Thompson, seconded by Mr. DeFelice, to send the City Commission the information regarding the Fort Lauderdale Historic Preservation Commendation Awards so they could review it and get it rolling. In a voice vote, motion passed unanimously.

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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.

Chair McClellan announced Daryl Jolly, long-time Historic Preservation Board member, had passed away on February 16. She said he had grown up in Dr. Kennedy Homes, restored several properties in Sailboat Bend and was also a member of the Broward Trust for Historic Preservation.

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

Approval of Minutes of February 2011 Meeting

The Board deferred this item.

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1. Open Discussion

Ordinance Revisions

Mr. Fajardo had distributed copies of the historic ordinance for Board members to review.

Mr. Dave Baber, Broward County Historical Commission, said they had looked at existing ordinances in other municipalities for this draft, with adjustments to suit Fort Lauderdale. Ordinances they had used for reference were noted in the document.

Mr. Charles Jordan, Sailboat Bend Civic Association, said much of the document was from Miami Beach, because they had a very good section regarding maintenance of designated historic resources and demolition by neglect.

Mr. Jordan read the portion pertaining to maintenance of historic resources. Mr. Morgan asked the standards of maintenance for an historic resource in Code Enforcement. Mr. Jordan stated the City had Codes that applied to this and a process for enforcing those Codes. He stated the problem with this process, that was antithetical to historic preservation, was that the "biggest hammer that they have in their toolbox" was to request demolition at the Unsafe Structures Board. Mr. Morgan asked if the proposed ordinance included a higher standard of maintenance for historic resources. Mr. Jordan replied that the key was remedial action: the City would compel

an owner to repair a house instead of demolishing it. Ms. Sarver offered to have someone from Code Enforcement attend a meeting to explain how this proposed ordinance was different from existing Code. Mr. Strawbridge wanted to be sure there was public notice of this specific discussion at a future meeting.

Mr. Fajardo explained that there were no cases for the Board to hear at this meeting, but the group working on the ordinance had sent this document the previous Thursday. Mr. Jordan felt this issue had not been given sufficient public notice and they should therefore stop their discussion until it was put on an agenda for discussion. Ms. Sarver said the ordinance revision was an ongoing discussion item that the Board could discuss under the Good of the City and they could take action at a future meeting. Mr. DeFelice thought this discussion fell under Old Business, since it was an ongoing process.

Chair McClellan said they had been working on this for some time and wanted to get it completed. She noted they still needed to hold a workshop meeting as well. Mr. Baber confirmed that they also needed to add some other components and definitions throughout the ordinance.

Mr. Strawbridge stated when the ordinance revision process started, meetings were being held outside the HPB meetings without notice or minutes and requested that this discussion be conducted in public.

Motion made by Mr. Strawbridge, seconded by Ms. Graff, to table this discussion until it had been properly noticed and the community could participate. In a voice vote, motion passed unanimously.

Workshop Date

Mr. Fajardo reported rooms were usually available on Fridays. The workshop would include all the proposed edits. He suggested April 22 or 29. Chair McClellan suggested they review the ordinance at the next two HPB meetings and hold the workshop after that. Mr. Fajardo stated for their next meeting, the Board would review this latest section of the ordinance and they would review the rest of the ordinance in May.

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2. For the Good of the City

2011 Fort Lauderdale Historic Preservation Commendation Awards

Chair McClellan wanted to let the Commission know that they would announce the awards this year and begin to present them next year.

Ms. Morillo had drafted a document describing the awards. Mr. DeFelice noted a correction to the document.

Chair McClellan said the application forms would be collected by staff, who would review them for completeness and hand them over to the HPB for review and vote.

Ms. Morillo said when she had worked in Bergen County New Jersey, this had been an effective part of their Historic Preservation program and encouraged community involvement.

Floyd Hull Park

Ms. Morillo announced she had submitted a Florida Historic Master Site File form for Floyd Hull Park. This was significant because it had been the Little League World Series site for approximately 25 years.

Demolition Moratorium

Regarding the Board's previous Communication to the City Commission requesting a moratorium on demolition, Mr. Fajardo stated the Commission had requested additional material be brought to them for discussion at their next meeting. Mr. Fajardo said, "...your intent was to have a moratorium on demolition for those properties that are listed on the Florida Master Site file, and that was City-wide, not necessarily just for Sailboat Bend...there was also an issue that was brought up by the City Attorney's Office regarding the Master Site File not being under City control and the methods by which things are submitted to it." Mr. Fajardo invited Board members to provide him with any additional material they wished to pass on to the Commission.

Mr. Fajardo explained that the City Attorney's office had indicated that a property owner did not need to be involved in the submission process to the Florida Master Site File. Mr. Strawbridge felt the City should not use the Florida Master Site File as a resource to identify properties, "partly because anybody can make an application" and "the State will accept just about any application and put it on the file." He felt using the proposed language that would include anything on the Master Site File would probably expose the City to huge liability. Mr. DeFelice pointed out that the Master Site File was intended to indicate that a property should be reviewed for its historic value, it did not provide designation, and the site file included National Register designated sites.

Ms. Sarver said she had consulted with another Assistant City Attorney but it had not been clear in the Code whether someone could pull a demolition permit for a property for which someone had submitted an application for a Certificate of Appropriateness for demolition. Mr. Fajardo said until the Certificate of Appropriateness application was approved, there was no Certificate of Appropriateness for designation, demolition or new construction. He stated, "If a permit came in, as Carrie was saying, we can't find anything that would preclude a demolition permit at this point."

Mr. DeFelice said in the County, a property being considered for designation could not be permitted for demolition until this was resolved. Mr. Fajardo said there was nothing

in the City's Historic Preservation Ordinance that addressed this, but noted the Historic District was different.

Ms. Sarver said the Code did provide for the Commission to call an emergency meeting to "review a threat to a property that has not yet been designated by the City but appears to be eligible for designation." The Commission could direct the person responsible for issuing building permits to issue a stop work order for 30 days to allow time to negotiate with the property owner to remove the threat. During this 30-day period, the Commission could initiate steps to designate the property.

Mr. DeFelice noted that one objective of the Comprehensive Plan was to generate a data base to cross reference the State Master Site File. He felt having the database information and surveys to cross reference with the permit system would be the answer to a lot of these problems.

Historic Surveys

Chair McClellan asked for an update on the surveys. Ms. Rathbun said all of the surveys conducted between 1980 and 2003 that had been approved by the City could be used. The surveys they had been working on since 2008 still must go through the City Commission.

Mr. DeFelice asked what the mechanism was to cross reference properties with permits pending with those bearing historic designation. Mr. Brewton said they currently flagged properties that were designated so the reviewer would be alerted when a permit application was submitted. Regarding the surveys, Mr. Brewton said these must be accepted by the Commission in order to flag these properties. He said there was language in the surveys that discussed "contributing" and "key contributors" which were phrases in the Code that were used to determine whether or not a property should be designated, and if the surveys would be used to determine historic designation appropriateness, the property owners must be noticed. They could change the language to clarify this. Mr. Fajardo said this was a new issue; this language had not been included in previous surveys. Mr. Brewton suggested the language could be struck and requested the Board's direction.

Mr. Baber asked the Board to authorize one Board member work with others to resolve this language. Mr. Brewton said staff would review language change suggestions. Ms. Sarver said staff had already devoted significant time to reviewing the surveys and reporting to the Commission. She said if the Board wished to remove the language that involved property rights and necessitated public notice and hearings, staff could do this.

Motion made by Ms. Thompson, seconded by Mr. Morgan, to have staff authorize a member of the HPB and an outside resource, such as Mr. Baber, to revise the language in the surveys to be more universally accessible, versus being tied completely to the ordinance. In a voice vote, motion passed unanimously.

Designation Fees

In response to Mr. DeFelice's question, Mr. Fajardo explained that the Commission had denied the HPB's requests to either change or eliminate the fee for designation. He said this was not possible due to the method used to set the fees. Ms. Morejon explained that the Budget Advisory Board and the City Commission had requested all departments conduct a fee study to determine cost recovery for services. She said the fees for Certificates of Appropriateness had been reduced 50% from the actual cost determined by the study. The fees had been set by resolution and could be changed by the Commission.

Updates on Communications to the City Commission

Mr. Fajardo stated in the future, he would provide the Board with updates on the Commission's response to the Board's Communications to the City Commission items.

South Andrews Master Plan

Ms. Morejon explained that per the approval of the South Andrews Zoning District, projects that were previously required to receive approval from the Planning and Zoning Board would continue to go through the DRC approval process, and instead of the Planning and Zoning Board, there was a 30-day City Commission call-up window, provided they met the design standards of the South Andrews District.

3. Communication to the City Commission

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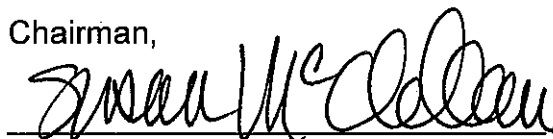
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There being no further business to come before the Board, the meeting was adjourned at 6:36 p.m.

Next Meeting

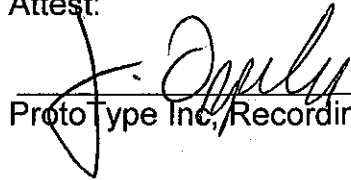
The Board's next meeting was scheduled for April 4, 2011.

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.