

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - APPROVED

Monday, January 6, 2014

7:00 PM

Joint Workshop with Historic Preservation Board

Commission Conference Room

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
CYNTHIA A. EVERETT, City Attorney

Meeting was called to order at 7 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 4 - Mayor John P. "Jack" Seiler, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Romney Rogers

Absent: 1 – Commissioner Bobby B. DuBose (arrived at approximately 8:25 p.m.)

Also Present: City Manager, Lee R. Feldman; City Clerk, Jonda K. Joseph; City Attorney, Cynthia A. Everett

Also Present: Historic Preservation Board: Chair, David Kyner; Members: Philip J. Morgan, Carol Lee Ortman, Gretchen Gettemy Thompson, Alexandria J. Scherer, Brenda Flowers and Rena Marie W. Holloway-Harrison

Absent: Historic Preservation Board: Members Richard P. Schultze, Jackie Scott and Richard C. Heidelberger

OLD/NEW BUSINESS

BUS-1 14-0039 Proposed Amendments to Historic Preservation Ordinance

Zoning Administrator Anthony Fajardo reviewed the history of this matter which is Exhibit 3 to Commission Memorandum 14-0039. He reviewed information provided for this workshop.

In response to Mayor Seiler as to the items of disagreement between staff and the working group (generally composed of members of the public including some members of the Sailboat Bend Civic Association), Fajardo advised that the Board supports the recommendations of the working group on the items of disagreement. The working group's revisions are also available.

Chairman Kyner noted that the working group's process of developing recommendations involved reaching out to other municipalities in Florida to review their ordinances. They did not want to create an entirely new ordinance. Instead their goal was to improve upon the existing ordinance. Consideration was given to the definitions.

The Commission and Board proceeded to review the items where there was disagreement, using Exhibit 1, Analysis of the DRAFT Historic Preservation Ordinance as Proposed by the Historic Preservation Board.

C.3. Any non-profit organization that has historic preservation, archaeology or paleontology as part of its mission and any civic association recognized by the City of Fort Lauderdale shall have legal standing in any administrative action, appeal or legal proceeding in any matter arising out of the Historic Preservation Ordinance.

Mayor Seiler agreed with the City Attorney's concern expressed in Exhibit 1. A lawyer could form a nonprofit, say historic preservation is its mission and use that to file a suit. It could happen every week.

Chairman Kyner said he personally does not have a problem with staff's recommendation.

Dave Baber, 1224 Coontie Court, did not disagree with Mayor Seiler's comments. There are longstanding organizations that have been around for decades such as the Broward Trust for Historic Preservation that have a legitimate role in advocacy for historic preservation. The concern is that those groups would not have authority to file a lawsuit. Perhaps there is a vetting process that could separate out those who can demonstrate a long-term commitment to historic preservation. Mayor Seiler did not know whether that could be done legally. All nonprofits have to be treated the same. If it could be limited to the two or three groups working on this issue now, he would agree to it. Baber explained he, too, was unsure how to address the matter, but that was the thought process behind the working group's position.

The City Attorney noted that these types of groups who are interested and concerned can lend their support to whatever individual or entity is being adversely affected.

Commissioner Trantalis asked if the plaintiff is the property owner, could that trigger an opportunity for a nonprofit to participate as a party in a legal action. The City Attorney said the challenge would be in defining criteria by which groups are given that special status. Mayor Seiler said he does not believe there is any way to solve this without creating more litigation. He outlined another scenario in which a developer who does not like the decision could form a group, file suit and negotiate a settlement with that group and game the system. Commissioner Trantalis believed there is a focus on the property owner having legal standing, not an outside third party intervening on their own. If the third party participates with the property owner, that is not gaming the system; it is allowing that group, which may have better resources, to assist. Mayor Seiler was concerned what could happen once the door is open. He wanted to stay with case law.

Commissioner Rogers suggested that if a third party makes a motion to intervene, the Commission could rule on whether it is an appropriate organization. Mayor Seiler explained that the Commission would then have to identify grounds on which a third party could be denied that opportunity. It would be an arbitrary decision. Commissioner Rogers said he views it as a judgment call. Criteria would be needed. He agreed it is a slippery slope.

Commissioner Trantalis outlined a scenario in which the owner of a home in Victoria Park wants to petition the City in some capacity. Victoria Park Civic Association, which also has an interest in the outcome, should be able to participate. Mayor Seiler pointed out how the civic association can participate. The City could end up in litigation for years to determine whether it gave the right party the authority to intervene. Commissioner Trantalis explained that he does not want to emasculate viable organizations designed to help historic preservation by cutting out their ability to participate in a meaningful way. As a legislative body, the Commission has the right to create opportunities that case law has not yet caught up with. He understands the advantages and disadvantages of allowing other groups to participate. He does not want the City to be entangled in endless courtroom battles. However, the Commission does not have the appreciation for historic preservation that it should. Property owners may not have the wherewithal to pursue it on their own. The community needs to recognize the importance of historic preservation without, at the same time, creating a deterrent for the type of things they want to preserve and tying the hands of property owners from making upgrades to their property. From a public policy perspective, the Commission should provide tools to anyone trying to preserve something. It feels as though the City is holding back the process by denying access. Mayor Seiler felt the tools already are available.

Commissioner Trantalis pointed out it is not possible to file an amicus brief as it is done in a court of law. He was unsure what approach would allow the Commission to offer historic preservation

resources without triggering a lawsuit. It is important to provide tools to those pursuing historic preservation. Mayor Seiler reiterated his concern about opening the floodgates to people creating not-for-profits solely to mess with development and redevelopment. They may not have the best interests of historic preservation or the applicant in mind.

Steve Glassman, secretary of the Broward County Historical Commission, suggested a clause in the ordinance prohibiting action from any nonprofit organization formed prior to 2014 or prior to the adoption of the ordinance. Mayor Seiler responded that nonprofits are formed constantly for various purposes. This would create an opportunity to make it much worse than the current system. He would rather hear from someone with a local history as a historic preservationist and know their opinion is credible than give party status to someone who is out to play the system. Any organization already in existence could amend its mission.

Christina Strobel, 716 Bryan Place, emphasized that this is about protecting the homeowner. If a homeowner needs to be heard, the City should listen to that homeowner because they have a vested interest. She understands the Mayor's point also.

D.7. Certificate to Dig (CTD). A certificate issued by the Historic Preservation Officer (HPO) approving specified digging projects that may involve the discovery of as yet unknown or known Archeological Material or Paleontological Material. (Miami-Dade County)

Mayor Seiler felt the working group's response of an interlocal agreement with the County makes sense.

Broward County Archaeologist Matthew DeFelice could not speak to whether the County would entertain an interlocal agreement. He explained the trigger generally for other Florida cities that have such a process. Mayor Seiler noted the budgetary and resource issues pointed out by staff are a big concern. If the City currently does not have the budget for this type of position, he felt an interlocal agreement with the County would be a solution. DeFelice advised that the County does not currently have a certificate to dig program.

The City Manager noted that under the proposed countywide historic preservation ordinance, the County is proposing to mandate a certificate to dig. Staff's recommendation is to not have a countywide ordinance and defer to the local one. The question before the Commission is whether it wants to have a certificate to dig program. Staff recommends not starting such a program primarily because of budgetary concerns but also there is a question of whether the City wants to get into this business. Staff does not believe it is necessary.

Commissioner Trantalis suggested that if the certificate to dig is treated as a permit with an associated fee, perhaps that would cover administrative expenses. If the City has a program, it would probably be exempt from the County ordinance. The City Manager said recovery of costs would depend on the volume of activity. If the City has its own program, it would have to add an archaeologist to staff or hire the services and there would be an impact to the development community. For example, developers would have to pay the City to prove that there is nothing to dig up. Commissioner Trantalis pointed out that the sites would be pre-designated. There would be a limited number of sites. Commissioner Rogers noted that would require a survey of archaeological sites. DeFelice estimated there may be 25 such sites within the city limits.

DeFelice outlined the County ordinance that addresses what is done if an archaeological discovery is made during development. If human remains are discovered, a state statute is triggered. The certificate to dig process attempts due diligence by pointing out potential archaeological sites based on

predictive modeling so a developer has some foresight into what they may encounter before they begin a project. There are roughly 25 sites in the city. Some may not have been found yet. The City has identified areas of archaeological sensitivity.

Chairman Kyner said he paid for an archaeological dig on his property. He explained the process he followed. He did not find the process to be onerous. It was a contribution.

Commissioner Rogers suggested getting a survey of the sites and a cost benefit analysis before making a decision on how to go about certificates to dig. DeFelice reiterated that the certificate to dig is not limited to the 25 sites that already exist. Those are documented and should be in the Florida Master Site File. It is important to recognize there are archaeological sites that have not yet been identified. Consequently he questioned how a survey could be compiled. Commissioner Rogers clarified that he is speaking to the identified archaeologically sensitive areas that are not documented in the ordinance. Mayor Seiler agreed with staff's point that should a consultant be utilized, that consultant should not be involved in applying for permits, but only reviewing certificates to dig in order to avoid conflicts of interest.

There was consensus to move forward with a survey of sensitive areas for inclusion in the ordinance. Commissioner Trantalis agreed because it would give notice to a potential investor or developer. The City Manager believed it should be the responsibility of the developer to identify those areas as part of their due diligence if identified on the County's map. Commissioner Trantalis mentioned the Hyde Park Supermarket site and that the development was tied up for years. The City Manager reiterated that the City is essentially telling developers they think these areas are good places to dig, but they would be digging at their own risk. It could be a frustrating process for developers because they still have to assume the risk. Commissioner Trantalis said the point is to preserve the historic nature of the site. A certificate to dig is not a certificate to build. It is a method to preserve history. It would prevent further development if something is identified on a particular site. A survey would provide information on where they can expect to uncover historic artifacts. Then a process is in place to let people know they will be responsible for preserving any historic evidence they come across.

Chairman Kyner said it is not always necessary to preserve a site but that the site is studied and a record of it is preserved. There are many ways that a site can be avoided. It can be covered and built above. Development may not necessarily be halted. The archaeologist just wants to record what is found and try to avoid it. Vice-Mayor Roberts noted that is what was done on the beach. The City Manager added that it was done without a program. Commissioner Rogers noted that part of this is the educational aspect. He felt a survey would be helpful. The City Manager said he would provide a cost estimate for a survey.

D.11. Contributing Resource. A building, site, structure, or object that adds to the historic, architectural, archaeological or paleontological significance of a historic district. A contributing resource is a historic resource within a historic district and shall have the same restrictions and benefits as a historic resource. (Sarasota County)

Mayor Seiler felt the language submitted by the HPB is too vague. Historic district is not defined by time. Under that premise someone could propose that they created something historically significant that is only two years old. Board Member Gretchen Thompson felt a time element could be included in the definition. The Board reviewed each piece of the ordinance but that was before they received feedback from staff and the working group. One suggestion was to deem historic anything that occurred before World War II. She agreed with that suggestion. Fort Lauderdale really started to develop after the 1940s. Mayor Seiler pointed out that staff suggested a threshold of anything older than 50 years old. Board Member Thompson felt that was agreeable. Commissioner Trantalis also agreed.

Molly Hughes, representing Hughes, Hughes Inc., noted that a definition of 50 years would mean those homes that could be designated historic would change each year into the future. Mayor Seiler said that is a point well taken and suggested pre-World War II. Chairman Kyner said preservation is a dynamic thing that has to keep moving. It is important to consider what the next generation will think about. It is his opinion that the definition should be a rolling period. Fifty years is a logical place to mark a point in history. If someone wanted to argue that their home does not have historical significance despite its age, he believes the HPB would listen. Even the "McMansions" will be thought of differently at some point in the future.

Paul Boggess, 804 SW 4 Street, said he was president of Sailboat Bend Civic Association, at the time the original ordinance was written. Their intent was to establish a rolling 50-year period, not pre-World War II.

Ed Strobel, 11 Fort Royal Isle, said the problem with a 50-year marker is that very soon a great deal of the northeast part of the city would be eligible and could impact development.

Nina Trotogott, 230 Harmon Avenue, agreed with the 50-year marker.

Baber said the definition would only apply to designated resources and Coral Ridge subdivision, for example, is not designated. Also, using a firm date would be problematic. The National Register recognizes that things become important over time. Fifty years is a standard, but there also are resources substantially less than 50 years old that are important enough to be designated which is covered by a condition of exceptional importance. He noted two examples of beach cabanas in Sarasota and the Broward County main library that are significant because of their designer. The ordinance, separate from the definitions, covers criteria for how something is designated.

Richard Locke, 805 SW 4 Street, discussed the designation of Sailboat Bend and the history around it being designated. The historic district was a unique compromise of historic and non-historic properties. Other than Sailboat Bend, he agreed with the 50-year marker concept.

Dan Gilmetti, 3609 Delmar Place, agreed with the 50-year marker concept.

Hughes believed that the language is such that with the 50-year concept, every structure in Sailboat Bend would be have additional regulations imposed once it reached 50 years of age. The historic preservation profession believes that a district comprises a period of time. The Sailboat Bend neighborhood believes that the structures are designated regardless of their age and others are not designated, thereby living under the regulations applied to the rest of the city.

Christina Strobel, 716 Bryan Place, questioned the City departing from the 50-year marker that the National Register uses although she agreed that there would be exceptions. Baber explained that only contributing structures within a district would be regulated. In the 2009 survey of Sailboat Bend that the City conducted, approximately 280 structures of the 550 were determined to be contributing key and as such changes to those 280 would be regulated. There is flexibility for those that are not contributing. Obviously attention would be given to new construction in the district. Essentially, the proposal tightens what is regulated.

Board Member Alexandria Scherer felt the 50-year language could be removed from the definition if the subsections a), b) and c) remain. It would be a compromise between staff and the Board.

Susan McClellan, former chair of the HPB, explained that the date is not always significant.

In response to Mayor Seiler, Baber said he thought Scherer's suggestion is good. Care would have to be taken that it does not conflict with the criteria. There should be reference to a period of significance and that a district could have more than one period of significance. He agreed with Mayor Seiler's suggestion of defining a period of significance within the district. Hughes questioned the structures that are currently designated in Sailboat Bend. Baber pointed out that every structure in Sailboat Bend is designated at this point and the proposal would ease the burden for those that are non-contributing in Sailboat Bend and any other historic district. In response to Commissioner Trantalis about protection of structures outside a historic district like Cadillac Villas, DeFelice and Baber explained how the City's Comprehensive Plan provides that structures listed on the Florida National Site File are reviewed by the HPB.

There was consensus on the compromise suggested by Board Member Scherer.

D.18. Historic District. An area designated as a "Historic District" by resolution and which may be defined in one of the following ways.

Mayor Seiler questioned why current language requires all non-contributing resources within a historic district to request a certificate of appropriateness (COA) from the HPB. Chairman Kyner believed it is required so that there are certain consistencies within the historic district. There are certain criteria that flow through the entire district and characterize the district such as picket fences that allow the homes to be seen. A non-contributing property could pursue installation of a stockade fence across the front of the property. There are modifications that were added, creating a hodge podge situation. If properties do not come before the Board, there is no way to correct mistakes of the past. Commissioner Rogers felt it would be advantageous to transfer approval authority to staff as much as possible. Mayor Seiler agreed with staff's position on this item.

Donna Mergenhagen, 1374 SE 17 Street, explained that by the nature of a non-contributing structure's presence in a historic district, it is contributing to neighborhood compatibility. This is the only place in the code that issues of neighborhood compatibility are addressed and quantified. If a non-contributing structure does something that changes the atmosphere of the block, it has changed the historic district.

Board Member Philip Morgan explained the purpose is to trigger some form of review in a historic district and what standards should apply with respect to neighborhood compatibility.

Locke commented about the social services in Sailboat Bend and the culture and historic character of this particular neighborhood. He would not object to less stringent rules for non-contributing structures. It is not fair for historic structures to be subject to rules that are different from those applied to everyone else. He went on to describe the neighborhood's occupancy, income level and demographics throughout the years. Mayor Seiler clarified that the City is not interested in preserving low-income districts.

Baber noted that staff's comments on this item are about a new historic district category called Thematic. He went on to describe it. Staff had difficulty grasping the concept and the thought was that others would likewise have a problem understanding it. The working group subsequently decided to eliminate it. The working group's comments from September are their latest comments. The definition of historic district has been changed to a geographically-defined area designated as a historic district by resolution containing two or more contributing resources which may contribute non-contributing resources and vacant land within its boundaries. By eliminating the Thematic item, the non-contributing point raised by staff has been eliminated. Courtney Crush of Crush Law, P.A., 333 North New River Drive East, said this definition has requirements of one or more contributing

resources. A historic district could be designated that has no historic designated properties within it. The definition does not speak to properties historically designated individually, but rather to contributing properties. Baber concluded a compromise may be more of a blend of the working group and staff proposals. Board Member Scherer agreed with Crush's point. A contributing resource needs to be clarified. Glassman felt a historical resource needs to be defined as a designated property within the district. Baber believed it is defined. Crush suggested basing designation of districts on historically designated properties instead of contributing properties. Mayor Seiler concluded the definition needs to be tightened. There must be historic property, which appears to be the missing element.

Assistant City Attorney Carrie Sarver was concerned about using an architectural style in defining a district across the city. She questioned where the line would be drawn from a legal perspective. There needs to be clear criteria. She felt staff should be allowed to vet this item. There is potential to impact the entire city.

McClellan stressed the importance of the survey that is a document, stating properties within that survey may likely be designated. The survey is basically a statement of fact. The applicant's responsibility is to weave everything together and make a district.

Crush commented if architectural style will be contained in the definition, it should specify good architecture.

This item was deferred to staff.

D.19. Historic Preservation Officer (HPO). The Historic Preservation Officer is the individual directly responsible for administering the Historic Preservation Ordinance. The HPO shall be required to meet the professional qualification standards of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, as originally recorded in 48 FR 44716 as amended and annotated. Responsibilities and duties of the HPO, outlined in the Historic Preservation Ordinance, shall mean the HPO or the HPO's authorized representative.

Mayor Seiler asked about the idea of designating an individual to serve in this role. Fajardo advised that the City currently contracts with the Fort Lauderdale Historical Society; Marilyn Rathburn serves as the City's expert for historic preservation. The proposal is suggesting a designated staff member. Mayor Seiler did not think it is affordable. Chairman Kyner felt it is highly desirable but he understood the affordability issue. Part of the Certified Local Government (CLG) status is to have a strong dedication to preservation and this is one way they measure an agency's commitment. He suggested a staff member be designated and he or she could take some of the pertinent classes offered by the Secretary of the Interior. It would show dedication to historic preservation. Baber explained the biggest issue is having an individual who meets the criteria. The individual does not have to be solely dedicated to this function. Fajardo indicated that when the City was awarded CLG status Rathburn was shown on their application as the City's expert. Mayor Seiler wanted to stay with the current arrangement. Board Member Thompson explained the suggestion is that someone in the Sustainable Development Department should have some historic preservation knowledge. She mentioned that former employee Pat Morillo, had expertise in the field and while historic preservation was not her sole function, she was helpful to the HPB. Glassman agreed that it is important to show the City's commitment. There needs to be an individual in addition to Rathburn with a skill set and experience in the historic preservation field. This should be taken into consideration with new hires. The individual would then be ingrained in the system, the City and the Sustainable Development Department. Much of historic preservation has to do with land use and comprehensive plan issues. McClellan explained that there needs to be an allocation of time for an individual to do the administrative reviews. Commissioner Rogers felt it has worked well thus far, but it might be smart to hire someone with this experience in the future when there is an

opening. The City Manager advised that staff uses the historic preservation guidelines in making administrative approvals. He cautioned against including language on this item in an ordinance. The administrative reviews are being handled now by current staff. Commissioner Trantalis said there it would be helpful to have someone on staff that would participate in the plan review process. There have been occasions when projects have come forward and the HPB has not been consulted. The Vintro Hotel is one example.

Locke commented that without City staff assistance the Sailboat Bend historic district could not have been accomplished. He advocated for the City to commit funds for an individual.

Boggess noted previous practice was for alterations in the neighborhood to be reviewed by the HPB and this does not appear to be happening now.

McClellan agreed with having an individual whose job description includes sensitivity to this area or a certain amount of time be allotted for proper review. She mentioned an example where metal windows were administratively approved, when they should have been wood.

Brian Tierney, 934 SW 4 Street, indicated his experience in this field in Massachusetts. He emphasized from a planning point, it is critical for new development to have someone on task that understands zoning, permitting and implementing historic guidelines.

Commissioner Rogers noted that Rathburn will not be on board forever and when that change occurs, all avenues could be explored. Vice-Mayor Roberts understood from the discussion that the guidelines are not being consulted. Commissioner DuBose thought additional training and certification may be a good course of action. Chairman Kyner felt it is key that the guidelines be adopted and provided immediately to people considering alterations to their property. Vice-Mayor Roberts agreed that enhancing the training and review process should be tried first. Commissioner Rogers reiterated at some point in the future the City will need to decide whether to have someone on staff or contract for the services. At that point in time, he would entertain considering an in-house individual with this expertise. There was consensus on this point.

D.21. Historic Survey. The body of information contained within the Historic Properties Survey of Fort Lauderdale, Florida, as well as other historic properties listed by the Broward County Historical Commission and the Broward County Planning Council as Local Areas of Particular Concern, and properties listed within the State of Florida's Florida Master Site File, and any other studies within the City that describe properties of aesthetic, archaeological, architectural, cultural, historical, and paleontological merit. (BCHA)

Sarver advised that there is a survey that identifies more than 200 contributing properties in the Sailboat Bend Historic District. If the Commission wishes to adopt surveys, it needs to be accomplished through a public hearing. Chairman Kyner agreed. Mayor Seiler felt the process should start with the HPB and then the Commission. There should be a clear process. There was consensus on this point.

D.37. Setting. The environment in which a historic resource or a contributing resource, non-contributing resource or vacant land within a historic district is located, including but not limited to the viewshed, water frontage, or streetscape. AND

D.41 Viewshed. The views to and from a historic resource, contributing resource, non-contributing resource or vacant land within a historic district.

Hughes pointed out that every house on the south side of the river in Sailboat Bend is easily within the

viewshed and therefore part of the district also. Baber indicated that the last set of comments from the working group eliminated the definition of viewshed. She felt the setting definition is not limited to an extent that resolves the issue. Sarver indicated staff's opinion is that it is too broad and too vague. Mayor Seiler asked that the language be tightened.

E.3.d. Annually and as a requirement for membership on the board, members shall receive a minimum of 4 hours of professional training which includes, but is not limited to (i. and ii.)

Mayor Seiler felt this background and expertise should be determined before appointing an individual. Baber commented that everyone needs training to keep up-to-date. The training opportunity should be offered. Morgan did not think it should be required. Chairman Kyner felt at a minimum members could be asked to certify that they have read the ordinance and guidelines. McClellan indicated as a former chair, she valued individuals with sensitivity to current historic issues. She saw the training as valuable. She suggested rather than require, it could be offered.

E.4.a.v. Directing the HPO to prepare designation applications for historic districts, historic resources, and Archaeological and Paleontological zones.

In response to Mayor Seiler, the City Manager explained the issue is whether the HPB should have the ability to direct staff. Mayor Seiler suggested it be changed to recommend instead of direct. The City Manager advised that currently exists. Boards use the venue of communications and suggestions at meetings. Sarver suggested codifying the HPB's current practice within the ordinance. Mayor Seiler felt it should be an option for the Board to recommend a designation and staff would follow up on it.

E.4.a.x. Recommending local amendments to the Florida Building Code to promote historic preservation.

The City Manager noted the existing process was simply highlighted.

E.4.a.xiv. Undertaking education programs including the preparation of publications and the placing of historic markers.

Mayor Seiler suggested this simply be noted as a recommendation. Chairman Kyner concurred.

E.5.c. The Board shall adopt rules of procedure based upon "Robert's Rules of Order" for use at all of its meetings.

In response to Mayor Seiler, Sarver advised this was not raised in the CLG application process. The City Clerk in conjunction with the City Attorney's Office provides training annual to all City boards. Chairman Kyner preferred to follow whatever the Commission follows. Sarver felt all boards and committees should be treated the same. Baber explained that the Board is required to create their own rules and procedure according to the CLG Program. All rules and procedure may not be addressed in the Better Meetings Handbook. There was consensus to leave this item unchanged.

E.5.g. A majority of the appointed members shall constitute a quorum. A majority vote of the quorum shall be required for a decision on any matter before the Board.

Mayor Seiler agreed with the City Attorney's recommendation. Sarver pointed out it is feasible that two members could be in a decision-making position.

Board Members Morgan, Ortman, and Heidelberger left the meeting at approximately 9:16 p.m.

Mayor Seiler indicated it would be appropriate to schedule another joint workshop to finish their review. He asked if the Board members were agreeable to reviewing the Sailboat Bend issue this evening. Board Member Thompson said it has been discussed and she was not interested in hearing any more. Board Member Scherer felt those present should be allowed to speak.

Mary Hughes, president of Sailboat Bend Civic Association, read a prepared statement that is attached to these minutes.

Board Member Thompson left the meeting at approximately 9:20 p.m.

Bogges said he has been a resident of Sailboat Bend since 1980 and president of the civic association when this ordinance came about. Historic designations saved this neighborhood. He elaborated on the neighborhood's history. He advocated for historic preservation in general.

Nina Trotogott, 230 Harmon Avenue, did not believe the prepared statement (by Mary Hughes) represents the majority of Sailboat Bend. She did not think it was clearly communicated that the meetings would be about getting rid of the historical aspect of Sailboat Bend. The entire city is not historical. It is not just a building that makes something historical. There have been strong feelings of community in Sailboat Bend for many years.

Shawn Williams, 717 SW 2 Court, displayed photographs of various structures in Sailboat Bend that he described as a photographic essay. As to achievements in preservation, he drew attention to the fire house museum in Sailboat Bend and others throughout the city that did not have to go through the HPB. The photographs also include buildings that could be considered demolition by neglect.

Locke said he has resided in Sailboat Bend since 1981 and went on to describe how the neighborhood has changed through the years. He did not think anything should be done to a process that works.

Mergenhausen questioned discussing this when it was not listed on the agenda. She also questioned if the meeting that generated the letter which was read was properly noticed. In a neighborhood of 500 homes, some 300 have been surveyed as contributing or historic, yet only 31 people attended the meeting. The letter seems to misconstrue a cause/effect relationship and demands a need for education and re-education.

Don Wilken, 301 Kennelworth Place, said he has been a resident of Sailboat Bend since 1985 and served on the HPB from 1993 to 1999. He co-authored the historic preservation ordinance as it exists today. He felt it started out as a good idea but over the years it has evolved into a constrictive and restrictive ordinance that set the neighborhood back. The concept was to have structures with similar character in terms of appearance but the zoning would remain unchanged. He elaborated on the challenges of building in Sailboat Bend. He favored rescinding the ordinance as it stands today.

Glassman found this discussion is sad and thought it would be unfortunate for the Commission to rescind the only historically designated neighborhood in the city. He serves as the vice-president for the Broward Trust for Historic Preservation and secretary for the Broward County Historical Commission. If this was publicized in the media, he felt it would send shock waves. He questioned if the neighborhood meeting was properly noticed and whether the neighborhood had full understanding of what was going to be put to a vote. Cities that recognize how well historic preservation can work have economically benefitted. People need to be better educated about the economic benefits.

Sister Therese Roberts, 804 West Las Olas Boulevard, indicated her family has resided in Fort Lauderdale since 1910 along the river. She now resides in Sailboat Bend. She emphasized the importance of history. She did not favor removing the historic designation. In the eagerness to give into economic development, people sometimes throw away their history. It is difficult to know where one is going if they do not know from whence they came.

Strobel indicated he is a property owner in Sailboat Bend and a board member. He did not think anyone on the board or anyone residing in Sailboat Bend wants to get rid of the historic resources in the neighborhood or the city. The goal is to allow those properties that are not contributing to secure permits pursuant to code fairly easily. If it is too burdensome, people will not go about getting a permit.

Dave Parker, 801 SW 2 Court, commented that he previously resided in Alexandria, Virginia, in a neighborhood adjacent to an historic neighborhood very similar to Sailboat Bend. He spoke generally of his community involvement and submitted a prepared statement that is attached to these minutes. He was opposed to rescinding the historic designation for Sailboat Bend and was saddened by it.

There was no one else wishing to speak.

Chairman Kyner did not wish to state a position on this matter without first discussing it as a board. As a resident of Sailboat Bend, he was present at the civic association meeting and voted against it. He felt it is important for people to realize that there has been a shift in the Sailboat Bend Civic Association. The individuals who became in charge voted to extract a very important part of the bylaws, Section 2.3, Purpose 3, to protect and enhance the historic district and historic resources in the Sailboat Bend neighborhood including playing a leadership role in historic preservation issues through Broward County. He believed this occurred in November. He clarified that he is no longer on the Board of Directors or a member of the Association. He could not support it because it specifically sought to disband one of their major purposes. It is a district that is supposed to be historic and recognized as historic. He questioned who else would fight for historic districts other than civic associations. It is unfortunate that people who really care about historic preservation no longer have a place at the table.

Board Member Brenda Flowers felt some of the members thought the meeting was getting off track and it would not be possible to finish the review. She felt it was a good discussion. Mayor Seiler noted that he did not allow discussion to move from the item of business until a quorum of the HPB was lost.

As to the idea of abolishing the Sailboat Bend Historic District, Board Member Scherer felt it needs to be looked into further. It would be a sad day for that to happen. However, the process for non-contributing structures needs to be streamlined. Mayor Seiler agreed. He felt the Association's vote was a direct reaction to the City's inability to deal with development and redevelopment in that district. He also felt it would be a sad day for such a thing to happen.

Mayor Seiler noted an appropriate date for another meeting will be worked on.

There being no other matters to come before the Commission, the meeting was adjourned at 10:02 p.m.