

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

A workshop meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 7:30 p.m. by Mayor John A. Buckley.

2. Pledge of Allegiance.

3. Roll Call.

Present:	John A. Buckley	Mayor
	Richard Contreras	Vice Mayor, District 1
	Ed Palmer	Council Member, District 2
	Pat Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Suzanne Novak	Assistant City Attorney
	Cathy L. Baker	Acting City Clerk
	Peggy Braz	Planning & Economic Development Director
	Cindy Dittmer	Economic Development Administrator
	Mike Crepeau	Planner

4. **COUNCIL ACTION RE:** Discussion and direction to staff on historical preservation guidelines.

Mr. Schluckebier stated that Ms. Jody Rubin, City of Orlando Historical Officer/Planner, is present to help Council in considering possibilities for historic preservation. She will discuss the methods of historic preservation used in Orlando. Mr. Schluckebier said Ms. Rubin has been Orlando's Historic Preservation Planner since 1989. She oversees Orlando's six historic districts, 40 landmarks and over 1,800 designated historic properties. She also teaches historic preservation at Rollins College.

Jodi Rubin, advised that her presentation is informal and invited Council to interrupt her at any time with questions. She stated that she grew up in Virginia where history is everywhere. She discussed the historic preservation movement in the United States, starting in the 1800s when people began preserving buildings for patriotic reasons through the 1970s when the trend exploded during the Bicentennial year with the general interest in our history.

Ms. Rubin stated that an historic district is a zoning tool, a zoning overlay on top of the existing zoning, whether residential, office, or commercial. It adds a layer that allows control of the changes that occur to the exterior of buildings, which could include color, roof type, signage, tinted glass, etc. She stressed that the zoning overlay does not control the use of the building.

Ms. Rubin said Orlando has had historic preservation since 1972 and has been making designation of historic properties since 1978.

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

She stated that Orlando's Historic Preservation Element is very small, six or seven policies addressing the need to provide a way to identify historic resources, protect them and advertise them in different ways, through street signs, neighborhood identification signs, web site, etc.

Responding to Mr. Palmer, Ms. Rubin stated Orlando has six historic districts, with 1,700 – 1,800 properties. About 65-70% of the buildings in those districts are considered contributing, which means that the building is at least 50 years old and maintains its architectural integrity. She added that the 50-year date is what the National Register of Historic Places uses and is the national standard.

Ms. Rubin said she walked through Downtown Melbourne and there are some great old buildings whose importance should be recognized.

Mr. Palmer asked the number of buildings Orlando has on the National Register. Ms. Rubin listed: Lake Eola Heights – 600 buildings, Griffin Park – 20 buildings, 3-5 individually listed buildings, and in the two specially certified districts (established by the Secretary of the Interior in 1980-82) - 350+ buildings.

Ms. Rubin informed Council that the National Register criteria for designation is basically much the norm. The property must be important for one of four reasons: 1) Its place in history, an event happened there or it is part of a general pattern of history (such as part of the development of a downtown area); 2) Important for its association with person; someone wealthy, a pioneer, or a mayor for instance; 3) Architecture, it could be an awesome example of a high style of architecture, or the only example of a certain type of warehouse, etc.; or 4) Archeology. These four examples are generally contained in local historic preservation ordinances around the country.

Ms. Rubin explained the Certified Local Government (CLG) designation, noting that Orlando became a CLG in 1988-89. The CLG designation provides a city the ability to designate historic districts, landmarks and signs, and the authority to review design and alterations once the designations have been made. Orlando also offers incentives to property owners for historic preservation.

The federal government, through the National Park Service, has a cooperative agreement with the State Historic Preservation Offices (SHPO) and local governments. This means all three levels of government (federal, state and local) work together for a common cause. There are certain things that the local government must do to be designated as a CLG. The application process is simple. However, before a city can become a CLG, a commitment to historic preservation must be demonstrated. First, the city must pass an ordinance that allows for designation and protection of historic properties, establish an historic preservation board, inventory historic resources, and provide some type of public process – public hearings etc. for people to learn about the preservation program.

Once the City becomes a CLG there are a few responsibilities. SHPO must be provided with the agendas and minutes of the historic preservation board and an annual report, which must include the names and resumes of the board members, any Code or Growth

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

Management Plan changes, and the number of certificates of appropriateness issued through the year.

Responding to Mrs. Hand, Ms. Rubin stated that the historic preservation board is subject to the Sunshine Law, noting that Orlando's board is an advisory board to the Council.

In response to Mr. Palmer, Ms. Rubin stated that following submittal of an application to become a CLG, it probably takes less than six months for approval. She also stated that SHPO would provide assistance, providing samples of ordinances and assisting during the development process.

Responding to Mrs. Palmer, Ms. Rubin advised that overlay districts are initiated by property owners, not the City. 15% of effected property owners are required to get the ball rolling. The property owners take ownership of the idea to protect the character of their area. Mrs. Palmer expressed concern that 85% of the property owners could be opposed. Ms. Rubin advised that 15% is needed to make the request; but, if a majority of the property owners are opposed, it not likely that Council would designate against property owners' wishes.

Ms. Rubin explained that the benefits to being a CLG, including SHPO technical assistance, the opportunity to participate and comment on National Register nominations, conduct reviews for local option property tax exemption, and the ability to compete for grants set aside for CLGs. She said there are currently about 40 CLGs in Florida.

Ms. Rubin discussed Orlando's six historic districts, designated between 1980 and 2000, and the various provisions/regulations for each district. She also discussed various objects that can be designated historical such as a site, building, subdivision gate, a bridge in a park, train station, post office, etc. She described landmark signs as visual landmarks that tell the history of commercial businesses. She noted that some signs have been deemed illegal, such as rooftop signs prohibited in the late 1980s; however, Orlando has allowed them to be landmarked and preserved.

Mrs. Palmer asked if an historic home were moved within a district would that home be required to meet any new setback requirements. Ms. Rubin stated yes, unless Council provided some relief through the variance process.

Mr. Palmer asked about modifying historic buildings to meet new ADA requirements. Ms. Rubin stated there are some exceptions for historic properties; in some cases elevators have been exempted through the ADA appeal board. However an elevator tower can be built at the rear of the building or a chair lift can be installed.

Ms. Rubin stated that Council must ensure that all regulation in their design review are reasonable; they must be defensible. Regulations should allow a dilapidated garage to be torn down or the demolition of a burned building that is a hazard.

Mrs. Palmer referenced regulations regarding roof color and asked if roofing material can be specified. Ms. Rubin stated it would depend on whether it is a contributing building vs. a

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

non-contributing building, or an addition vs. a new construction. Orlando has experienced very few problems over the years.

Mrs. Poole asked about a time limit for compliance. Ms. Rubin discussed a case in Orlando where the preservation board instructed a property owner to make changes. The owner appealed; however, the hearing officer found in favor of the preservation board and directed the owner to comply with the board's ruling. The hearing officer did not place a time limit for compliance; therefore Code Enforcement must get involved and find the owner in violation.

Ms. Rubin stated incentives could include property tax exemption, administrative variances, conforming setbacks, a revolving loan fund, etc. Orlando has four to five incentives. Other areas with large development pressures might provide transfer of development rights. She explained the process, adding this is an interesting tool when land is limited.

Mrs. Poole asked about user fees. Ms. Rubin responded that the City of Orlando does not do anything with user fees.

Ms. Rubin stated that historic preservation works in Orlando for residential, commercial, and city-owned properties. It is a long educational process for the property owners. She encouraged Council to have a staff person as a resource to the citizens. Historic preservation is creating a place and a way of life that people enjoy. It should work for Melbourne if the citizens want it and the City is willing to work to make it happen.

There was a brief discussion about establishing an historic district that may include some newer homes. Ms. Rubin stated the newer homes would be identified as non-contributing buildings and treated in a more lenient manner. Non-contributing buildings would be allowed alterations, treated as new construction. Ms. Rubin advised that the Feds want 65-70% of the buildings in a district to be contributing.

Responding to Mayor Buckley, Ms. Rubin stated that Orlando's Historic Preservation Department consists of her and a secretary. She stated that in 1989 they issued 120 certificates of appropriateness a year and now issue 270 per year.

Mr. Palmer asked whether individuals that purchase historical homes can receive grant funding. Ms. Rubin responded no, State of Florida grants are for governmental bodies and non-profit organizations. She stated that the CRA offers some grants and there may be other organizations that support historic preservation that offer incentives for individuals.

Mr. Palmer responded it was his understanding that an individual could receive grant funding for a house on the National Register. Ms. Rubin responded that an individual won't receive grant funding from the federal government or the State of Florida.

Mr. Schluckebier stated that the federal government offers incentives that may take on the characteristics of a grant. Ms. Rubin responded that the National Park Service offers incentives for rental properties – 20% tax credit on the cost of renovation for everything but the site work.

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

Mrs. Poole commented that more young people are taking an interest in fixing up older homes. She added that the secret to historic preservation is the person heading the program; their interest, love and concern for historic preservation. Ms. Rubin agreed it is important to have someone who is enthusiastic and understands architecture.

Mr. Palmer discussed the abandoned school on Pineapple Avenue owned by the School Board. It was built in the 1920s and will last another hundred years. He said this is his pet project and he is having difficulty finding someone to refurbish this site. Renovating this building would be a tremendous boost to the neighborhood. He said it should be eligible for grant money. Historic preservation has a role in maintaining and keeping these types of structures. He asked whether the City could take on that type of project.

Mrs. Poole agreed that this needs to be done, the time is right. She stated that with historic preservation it could be done and would be a great project.

Ms. Rubin agreed that schools are adaptively reused for other uses; it would be a great place for an auditorium, a gym/wellness center, or even condos. She stated the School Board probably doesn't want to spend the money needed for renovation.

This concluded Ms. Rubin's presentation.

Recessed: 8:50 p.m.
Reconvened: 9:00 p.m.

Mr. Schluckebier stated he would be happy to proceed as slow or fast as Council would like. Staff will proceed with an ordinance and develop an element for the Comprehensive Plan. Council could reassign the duties of the already existing Architectural Review Board, or create a new board. He asked about incentives Council might like to include with some regulations. Mr. Schluckebier stated that Orlando's program has been from the bottom up; requests for historic preservation coming from property owners. This probably provides for a better long-term product.

Mr. Schluckebier stated of the four elements, Melbourne already has a board and an inventory of historic resources. The only thing missing is the ordinance and the public participation. He stated in developing the ordinance it is important to encourage public involvement and education. The ordinance could be put in place within the next 12 to 15 months. Mr. Schluckebier stated that historic preservation from the top down (imposed by Council) would probably not be well accepted; however, Council could designate 15 to 30 buildings and say this is what we mean by historic preservation. We need to get the people in the community wanting to embrace and preserve the historic resources of the City. He asked Council for guidance as to how to proceed.

Mayor Buckley stated that an ordinance is needed and the City should definitely be designated as a CLG. He also supports establishing a separate board whose main goal is historic preservation.

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

Mrs. Poole stated that she had concerns for some time about Melbourne's history being demolished. We need something to get the people involved to protect our older buildings. She said that the information in the agenda package is overwhelming. She supports starting with an ordinance and working this into the Comprehensive Plan. It is very much an important part of the City's planning process.

Mrs. Palmer agreed that the ordinances in the agenda package are cumbersome. She likes both the Orlando and Gainesville ordinances; these cities have a lot of historically significant property. She stated she would support requiring that a request to create an overlay district come from more than 15% of the property owners. She said she can't imagine doing something that 85% of the property owners oppose.

Mr. Schluckebier stated Orlando requires 15% of the property owners to initiate the action; however he does not believe the Orlando Council would do anything that does not have a significant majority of the property owners' support. He stated Orlando has not created any district without overwhelming or substantial support. Ms. Rubin confirmed this information.

Mrs. Palmer stated there are a lot of people in Eau Gallie that have not been involved with redevelopment. She would like to make sure that we go out of our way to inform and involve the neighborhoods in everything. She also stated that so much of the City of Melbourne is over 50 years old. We need to stick to good criteria for historical or architectural relevance when we inventory the buildings.

Mrs. Poole stated she likes the fact that the CLG plan links federal, state and local government to participation and partnership for historic preservation. She discussed historic preservation and Melbourne's need to establish a plan. She concluded, stating the City needs a staff leader that is excited about historic preservation. Citizens have shown an interest in historic preservation since the demolition of the Sloan House (Miguel's Restaurant). She stated she would like for the City of Melbourne to be the first city in Brevard designated as a CLG.

Mr. Schluckebier stated it would be helpful to have a level of consensus from Council. Several members have spoken; however, if you want us to proceed with developing an ordinance, working toward becoming a CLG, modeling an ordinance after Orlando and Gainesville, we need some consensus and clarification from Council.

Mr. Contreras referenced the 15-month period referred to earlier by Mr. Schluckebier. He asked if Council agreed with this time frame.

Mr. Schluckebier stated it would not take 15 months to prepare the ordinance; however, time is needed for public awareness and involvement. We don't want to establish the districts in a 90-day period; however, we don't want to take five to 10 years either. He stated he is looking at a six to 12 month period to get fully underway.

Mr. Contreras recommended staff submit the plan to Council as a draft and factor in staffing costs. Mr. Schluckebier stated that he is fully cognizant that resources are limited.

CITY OF MELBOURNE, FLORIDA
MINUTES – WORKSHOP MEETING BEFORE CITY COUNCIL
APRIL 29, 2003

If Orlando can work with one full time staff person and clerical assistance, Melbourne should be looking at that same level of staffing.

The consensus of Council was to move forward as recommended by Mr. Schluckebier.

Mrs. Palmer requested rather than having a finely detailed ordinance, that leeway is left for Council input. Mr. Schluckebier stated that staff will return to Council with a schedule and have Council fill in blanks on ways to proceed. Council can make choices that it will be comfortable with.

Mrs. Poole recommended advertising for citizens to make suggestions about what they really want in the way of historic preservation.

Discussion followed regarding establishment of a board and the appointment of members. Mr. Schluckebier advised that appointments will be done consistent with Council's appointment of all other boards members.

Mr. Palmer stated that we must make sure the citizens are involved in what we are doing, it should be from a grass roots level; we can't force something down their throats. We should generate enough excitement and interest to get moving.

Mrs. Palmer asked that some research be done as to what is done in other areas to encourage private property owners to notify the City when they are contemplating the sale or demolition of an historic property.

Mrs. Poole suggested the City provide tax incentives to help property owners when they are in financial straits.

5. **Adjournment**

Moved by Poole/Walker to adjourn. Motion carried unanimously.

The meeting adjourned at 9:30 p.m.



Acting City Clerk – 5/7/2003

Approved by Council 5/13/2003