

**MINUTES
HISTORIC LANDMARK PRESERVATION BOARD
REGULAR MEETING**

July 20, 2009

4:00 p.m.

**Ormond Beach City Hall
Training Room
22 South Beach Street
Ormond Beach, Florida**

I. Call To Order

Chairman Dr. Shapiro called the meeting to order at 4:00 p.m.

II. Roll Call

Members present were: John Adams, Ann Eifert, Carl Gerken, Michael McQuarrie, Sue Parkerson and Dr. Philip Shapiro. Member excused was James Stowers. Members absent were: Geneva Jackson and Sean O'Sullivan.

Staff present was Senior Planner Laureen Kornel, Deputy City Attorney Ann-Margret Emery, Grants Coordinator Loretta Moasio and Recording Secretary Shá Moss.

III. Approval of Minutes – June 15, 2009

Mr. Gerken moved seconded by Mr. McQuarrie to accept the minutes of the June 15, 2008, meeting. The motion passed unanimously.

IV. Public Hearing – Certificate of Appropriateness for Alteration – 208 Central Avenue (Rigby Elementary School – PACE Center for Girls), File No. 1700005

Dr. Shapiro opened the Public Hearing

Ms. Kornel stated this was an administrative request in that the City of Ormond Beach owns the property and leases it to PACE. The proposal was

to replace all the roofs located at 208 Central Avenue. She stated the Rigby School was built in 1924 and added to the Local Landmark List in 2002. The style is masonry vernacular with some Mediterranean influences. The conditions of the roof are very poor, consisting of tar and gravel as well as asphalt shingles, though the original materials of the roof cannot be verified. While the City of Ormond Beach owns the property at 208 Central Avenue, PACE is responsible for the upkeep of the structure and the City has provided a \$60,000 contribution but an additional \pm \$60,000 from other funding sources was needed to complete the project the Building Department stated replacement of the roof is necessary before the new roof could be put on.

Ms. Kornel stated there were three options for roofing materials:

Option 1 was to replace the tar and gravel with the Dura-Last membrane system, a new energy efficient roofing system used on roofs with little slope. Visibility from the ground of the Dura-Last is low on roofs with a low pitch. Shingles to be replaced with shingles. Cost estimate was \$102,254.

Option 2 was to replace the tar and gravel with tar and gravel and replace asphalt shingles with asphalt shingles, but noted tar and gravel material is known to cause problems during severe weather. Cost estimate was \$92,700.

Option 3 was to replace the tar and gravel as well as the asphalt shingles with the Dura-Last membrane system. Cost estimate was \$137,287.

Ms. Kornel noted staff recommends approval of a Certificate of Appropriateness for alterations to re-roof the Rigby Elementary School (PACE Center for Girls) located at 208 Central Avenue as outlined in Option 1. She noted PACE was also in favor of Option1, and it was a balance between aesthetic, energy efficiency, technology and cost. Ms. Kornel stated there were also tax credits and rebates with the Dura-Last system.

Ms. Eifert asked whether the roof would look white; wherein Ms. Kornel answered that the majority of the roof would not be visible from ground level. Those roofs visible from the ground are proposed for shingles.

Project Manager for PACE Ken Duval stated the current tar and gravel was white, which gave a white appearance

Mr. Gerken moved seconded by Mr. McQuarrie to accept staff's recommendation to approval of a Certificate of Appropriateness for alterations to re-roof the Rigby Elementary School (PACE Center for Girls) located at 208 Central Avenue as outlined in Option 1. The motion passed unanimously. 6 to 0

Dr. Shapiro closed the Public Hearing

V. Discussion Item

A. LDC 08-44 – Land Development Code (LDC) Amendment to Chapter 2, Article IV (Change requirement for notice of public hearings from certified mail to regular mail)

Ms. Kornel stated staff has made a few changes to Chapter 2, Article IV of the Code and one of the recommended updates was to change the requirements of certified notice of public hearing to subject and abutting property owners to not require notice by certified mail. Staff noted it caused problems because some people refuse to accept certified mail or were out of town and missed receiving the mail. It was thought that more people would be reached if it was sent by regular mail. The decision was made by the Planning Board and approved by the City Commission in January, but not changed in the LDC. The Public Hearing would still be advertised in the newspaper.

Ms. Emery stated certified mail was not required. She noted when something was sent to a correct address, it was presumed that it was received.

Three Chimneys

Ms. Kornel stated Three Chimneys would officially be placed on the Local Landmark List.

B. Updated EAR-Based Amendments: Cultured and Historic Resources Element

Ms. Kornel stated there were no policy changes, but staff proposed new language by noting the Board would continue to implement historic preservations, continue to update the existing Florida Master Site File and continue to review Certificates of Appropriateness.

VI. Member Comments

Ms. Kornel stated she sent an email to the Board about a meeting she had concerning the American Legion Hall regarding alterations to the property and whether or not they needed a Certificate of Appropriateness. In her review, she noted a Certificate of Appropriateness would not be required because the alterations would

not change the exterior of the building and it was related to the replacement of the foundation which would be considered maintenance. Ms. Kornel stated there was a discussion at a previous meeting about allowing some level of discretion for staff on whether or not a Certificate of Appropriateness was needed.

Ms. Kornel stated staff discussed amending the LDC to state how to determine whether a Certificate of Appropriateness was required. In the LDC under Section 2-71, D4, there was a place available for that amendment for minor alterations that in no way changes the exterior of the building.

Mr. Gerken stated if the properties weren't taken care of, they would eventually fall apart.

Ms. Parkerson agreed routine maintenance was necessary.

Dr. Shapiro stated the Local Landmark List consisted of structures and sites that continued to age. When a structure was on the Local Landmark List, they needed to come before the Board when issuing a building permit. If they stated no changes would be made at all, an exception could be made. He stated jacking a building up is not routine maintenance.

Ms. Kornel stated there was a clause under the maintenance section that stated, "nothing in this subsection shall be construed to prevent the ordinary maintenance or a repair an exterior feature or any site which does not involve a huge change in design, material or outer appearance thereof."

Mr. Adams stated that replacing the foundation would not change the design of the structure. He stated the City was focusing on making the process of maintenance easier. Mr. Adams stated when you have to come before a Board for a Certificate of Appropriateness to do routine maintenance, you tend to put the project off. He applauded Ms. Kornel on her conclusion that the American Legion did not require a Certificate of Appropriateness because the alterations would not change the exterior appearance of the property.

Ms. Kornel read requirement #4, "a Certificate of Appropriateness shall be a condition precedent to the issuance of any other required permits."

Dr. Shapiro stated when you jack up the building and pour a foundation, a change has been made. What recourse would the City have if changes were made beyond what was on their permit.

Ms. Kornel stated when the foundation was replaced the structure would look the same as before the foundation was replaced. She was told that nothing on the exterior would change. She noted overall when a permit was applied for, the property was noted "red flagged" or not, depending on age; if it is of age, the Planning Department is notified and asked whether a Certificate of Appropriateness was necessary; those notes are kept in the file; the building inspector has to sign off on the alteration listed on the permit. Ms. Kornel noted it was not a good enough reason to make someone require a Certificate of Appropriateness based on a "what if."

The Board discussed several scenarios regarding maintenance repairs and what if something happened while making those repairs to lead to changes to the structure. Ms. Kornel noted Section D referred to any alterations that would change the exterior; demolition of a building; the relocation of a building and the movement of earth. She noted there was always a gray area. She reminded the Board of the recent requirement of a Certificate of Appropriateness for the sign replacement to an identical sign.

Mr. Adams stated it should be streamlined so that repairs could be done on the buildings. He noted there would always be a line on what can be done with and without the Certificate of Appropriateness and staff should be the judge of that.

Dr. Shapiro stated if the decisions were left in the hands of staff, there would be no need for the Board.

Ms. Kornel stated they were not trying to get rid of the Board or minimize their duties, she wanted the Board's input on whether a Certificate of Appropriateness was needed for maintenance.

Ms. Emery stated the City had enforcement actions if additional changes were made.

Ms. Eifert, Mr. Adams, Mr. McQuarrie and Ms. Parkerson agreed with staff that a Certificate of Appropriateness should not be necessary for this type of maintenance.

Dr. Shapiro and Mr. Gerken stated a Certificate of Appropriateness should be required.

Dr. Shapiro stated when changing the Code, it should be clear that there would be no changes in appearance associated with the maintenance.

Ms. Kornel asked whether the Code should be left as it is or should it be changed.

Dr. Shapiro stated it should be left as it is.

Ms. Kornel summarized the Board's input as, there is some level of discretion that staff could use in determining whether a Certificate of Appropriateness was required as in a case like the American Legion Hall, if staff felt it was a maintenance issue, and no change in exterior appearance would be made, than a Certificate of Appropriateness would not be required. The only changes to the Code would be regarding the certified mailing notice and the addition of the Three Chimneys.

VII. Public Comments

None

VIII. Adjournment – Next Meeting

The meeting adjourned at 4:37p.m.

Respectfully submitted,

Shá Moss, Recording Secretary

ATTEST:

Dr. Philip J. Shapiro, Chairman