



To: Tony Newell

From: Bridgette Thornton, Deputy Attorney for the City of Coral Gables; Moises Saltiel, Legal Intern; Yaneris Figueroa, Special Counsel

Approved: Craig Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "CL", is written over the word "Approved" in the previous block.

RE: Legal Opinion Regarding Historic Preservation Board's Voting Requirements

Date: November 5, 2013

Our Office prepared this memorandum in response to your queries regarding the voting requirements, contained in the City of Coral Gables' Zoning and Municipal Codes, applicable to the City's Historic Preservation Board (the "Board") for designating historic properties. To address your inquiries, we researched the relevant historic preservation ordinances for the following cities: Philadelphia, New York City, Boston, Williamsburg, Charleston, Savannah, Beverly Hills, Washington, D.C., Malibu, San Antonio, New Haven, San Augustine, West Palm Beach, St. Petersburg, Miami, and Ft. Lauderdale. We selected the above based upon their historic character and/or similarity in population and demographics to the City of Coral Gables.

Through our research, we determined that the sampled cities have very similar voting requirements to the City of Coral Gables. Indeed, all of these cities utilize a majority voting requirement for the designation of historic properties. These cities' majority vote requirement varies between a majority of all board members or a majority of the members present (so long as there is a quorum). Moreover, we did not locate any cities that require a super-majority or two-third voting requirement for the designation of historic properties.

In accordance with your request, we also reviewed the City of Coral Gables' Historic Preservation Board's designation decisions, from 2012 through 2013. In doing so, we found that there was only one historic designation that the Board decided by one vote - the May 2012 historic designation of 4220 Santa Maria Street (Case File LHD 20 11-05). All the other decisions were either unanimous or there was only one "nay" vote.

TO: TONY NEWELL, CITY OF CORAL GABLES' HISTORIC PRESERVATION BOARD MEMBER

FROM: BRIDGETTE THORNTON RICHARD, DEPUTY CITY ATTORNEY; MOISES SALTIEL, LEGAL INTERN; YANERIS FIGUEROA, SPECIAL COUNSEL

DATE: NOVEMBER 5, 2013

RE: THE HISTORIC PRESERVATION BOARD'S VOTING REQUIREMENTS FOR DESIGNATING HISTORIC PROPERTIES

Our Office prepared this memorandum in response to your queries regarding the voting requirements, contained in the City of Coral Gables' Zoning and Municipal Codes, applicable to the City's Historic Preservation Board (the "Board") for designating historic properties. To address your inquiries, we researched the relevant historic preservation ordinances for the following cities: Philadelphia, New York City, Boston, Williamsburg, Charleston, Savannah, Beverly Hills, Washington, D.C., Malibu, San Antonio, New Haven, San Augustine, West Palm Beach, St. Petersburg, Miami, and Ft. Lauderdale. We selected the above based upon their historic character and/or similarity in population and demographics to the City of Coral Gables.

Through our research, we determined that the sampled cities have very similar voting requirements to the City of Coral Gables. Indeed, all of these cities utilize a majority voting requirement for the designation of historic properties. These cities' majority vote requirement varies between a majority of all board members or a majority of the members present (so long as there is a quorum). Moreover, we did not locate any cities that require a super-majority or two-third voting requirement for the designation of historic properties.

In accordance with your request, we also reviewed the City of Coral Gables' Historic Preservation Board's designation decisions, from 2012 through 2013. In doing so, we found that there was only one historic designation that the Board decided by one vote — the May 2012 historic designation of 4220 Santa Maria Street (Case File LHD 2011-05). All the other decisions were either unanimous or there was only one "nay" vote.

I hope this memorandum resolves all of your questions. But if you would like further information or clarification, please do not hesitate to contact me.

Hernandez, Cristina

From: Thornton Richard, Bridgette
Sent: Tuesday, November 05, 2013 1:08 PM
To: tnewell44@gmail.com
Cc: Leen, Craig; Figueroa, Yanneris; Saltiel, Moises; Hernandez, Cristina; Osle, Zilma
Subject: Legal Opinion -- Historic Preservation Board
Attachments: Newell - Historic Preservation Board Designation Voting Procedures.pdf; HPB Minutes Part 1.pdf; HPB Minutes Part 2.pdf

Good Afternoon Mr. Newell,

Attached is a legal opinion our Office drafted in response to your inquiries related to the voting procedures for the designation of historic properties in the City of Coral Gables. For your review, I also attached the minutes from the City's Historic Preservation Board for the period of 2012 through 2013. I hope these attachments resolve your queries; however, please feel free to contact me should you need further assistance.

Thank you and have a nice afternoon,

Bridgette

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 460-5084
Cell: (305) 801-5797
Fax: (305) 476-7795

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

NOTICE: This e-mail is from the law office of the City of Coral Gables, and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you properly received this e-mail as a client, co-counsel or retained expert of the office of the City Attorney, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.