

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2009-02 ~~HPB~~

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174 and the LPA is statutorily responsible under Chapter 163, Florida Statutes, and the Town of Fort Myers Land Development Code (LDC) Section 34-120 for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council with regard thereto; and

WHEREAS, pursuant to the authority set forth in LDC Section 34-118, on February 27, 2007, the LPA adopted Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual (PnP Manual) in Resolution 2007-03, which Policies and Procedures Manual contained a section regarding Historic Preservation Board (HPB) Procedures; and

WHEREAS, the HPB has determined that an update to the PnP Manual is required at this time and has reviewed such update at its meeting of January 27, 2009.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. The HPB hereby **adopts** the requirement that the Affidavit of Publication from the Newspaper of Record (as such is defined by Florida Statute) be presented by Town staff at the commencement of an HPB quasi-judicial hearing and the commencement of an HPB legislative hearing. If the Affidavit is not available, the legal advertisement as published shall be presented by Town staff under oath or affirmation at the commencement of such hearing(s). Such Affidavit of Publication, or Town staff affidavit, as the case may be, shall be attached as an exhibit to the HPB Resolution resulting from such hearing.

2. The HPB hereby authorizes the HPB Chair to modify the LPA Policies and Procedures Manual to reflect this change. The terms and provisions of such Manual shall continue in full force and effect unless further amended by the HPB.

The foregoing Resolution was adopted upon a motion by HPB Member Van Duzer and seconded by HPB Member Yerkes. Upon being put to a vote, the result was as follows:

Evie Barnes aye
Alan Mandel aye
Bill Van Duzer aye

Rochelle Kay aye
Joanne Shamp aye
Dennis Weimer aye

Joe Yerkes aye

DULY PASSED AND ADOPTED THIS 27th day of January, 2009.

HPB of the Town of Fort Myers Beach

By: Joanne Shamp
Joanne Shamp, HPB Chair

Approved as to legal sufficiency:

By: Anne Dalton
Anne Dalton, Esquire
LPA/HPB Attorney

ATTEST:

By: Michelle D. Mayher
Michelle D. Mayher, Town Clerk