

**From:** Elaine Reed <ereed@napleshistoricalsociety.org>  
**Sent:** Tuesday, September 24, 2019 5:09 PM  
**To:** 'Charles Chapman' <CChapman@naplesgov.com>  
**Cc:** 'Roger Reinke' <rreinke@naplesgov.com>; 'Craig Mole' <CMole@naplesgov.com>; 'Robin Singer' <RSinger@naplesgov.com>; 'Christa Carrera' <CCarrera@naplesgov.com>; 'James D. Fox' <jdfox@naplesgov.com>  
**Subject:** RE: PAB Floodplain Ordinance Review - My Thoughts

Charles:

The extensive work on the floodplain ordinance is clear, and I accept your decision to have the first City Council reading on October 16<sup>th</sup>. The additional language recommended by Jim Fox at the end of the PAB meeting will, at least, maintain the presence of historic preservation, but it doesn't need to be defined in it. I understand.

Your approach to have heightened customer service and quarterly meetings is outstanding news. This kind of public-private collaboration is a critical key for the City of Naples and its residents. Thank you for giving historic preservation an important role in your administration. You've heard me comment that the Society has worked on this project for over five (5) years, and the Board and I see light at the end of the tunnel. That's due to your prioritization.

With regard to the 50% Rule, it has always been my understanding that regardless of where an historic house is located, in or out of the District\*, a review of the proposed rehabilitation plans must be reviewed by an approved design-review body. There is no state-approved design review body in Naples (we're not a Certified Local Government), so that function must happen at the state level. There is no choosing to go through a local process using the 50% Rule.

That said, rather than go back and forth by email, it is critical to include the 50% Rule on the October 25<sup>th</sup> agenda. In fact, I sincerely hope that the entire discussion guide is afforded discussion time as well. Clarity on those discordant issues will facilitate comprehensive discussions on historic preservation and a potential historic preservation ordinance as you suggest.

Thank you, again, for the time you are affording this, Charles. The Society certainly appreciates it.

\*Structures in the District have been approved at the State and Federal levels. Structures out of the District would need to be deemed eligible, one by one for those interested, by SHPO first before any request for exemptions.

Regards,

Elaine L. Reed, MPA  
President & CEO  
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**From:** Charles Chapman [<mailto:CChapman@naplesgov.com>]

**Sent:** Tuesday, September 24, 2019 3:18 PM

**To:** Elaine Reed <[ereed@napleshistoricalsociety.org](mailto:ereed@napleshistoricalsociety.org)>

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**Subject:** RE: PAB Floodplain Ordinance Review - My Thoughts

Elaine,

Thank you, we are looking forward to the partnership and seeing more preservation of these structures occur.

In terms of the FPMO, we are going to proceed with the Floodplain Management Ordinance (FPMO) as scheduled. The most compelling force is having a compliant FPMO is a requirement under the National Flood Insurance Program (NFIP). This is a voluntary program that the City of Naples has participated in since 1971. While the community is currently not under a specific deadline with dates and consequences (at least not yet), the updating of this ordinance has been in process for almost 2 years now. This ordinance has very little bearing on historic structures and focuses on higher regulatory standards and sound floodplain management regulations for all **the other structures** in this community.

For clarity on the FPMO, please see the timeline below:

Jan. 2018 – The City was contacted by Rebecca Quinn, the state contractor who reviews all community's floodplain management ordinances, letting us know since Naples was an early adopter that we would need to make a few changes to our ordinance to be current with regulations. This came soon after Steve Martin informed the state that Naples was looking to implement changes for higher regulatory standards and give flexibility regarding historic structures under the variance process.

April 2018 – The City sent Rebecca a portion of the proposed changes for review (none of which had to do with historic structures since a management directive had not been made at that time).

October 2018 – An inspection by the Community Rating System (CRS) Cycle Visit (ISO)  
– The City started submitting all documentation that is required every 3 years to show the community is doing the activities necessary to maintain a Class 5 rating which includes showing that we are updating the FPMO to be compliant with the state model.

Jan. 2019 – An Inspection was conducted for the Community Assistance (FL State DEM)  
– Findings of the visit discussed the proposed changes to the FPMO ordinance since we were only **compliant to the 2010 Florida Building Code (FBC)** and we were **updating language to be consistent with the 2017 FBC**, as well as adding auto-adopt language for the flood maps and proposing higher regulatory standards. It was also recognized that the ordinance would clarify the process used to achieve a variance for historic structures and how they can be excepted under the federal regulations if the structure retains its eligibility.

Jan. 2019 – The City continued to work with Rebecca Quinn on updating the FPMO regarding all the issues we needed to resolve (again none of which had to do with historic structures as no directive had been given by management at this time).

April 2019 – Management provided a directive to include provisions for historic structures. The City engaged email and phone discussions relating to the FPMO, this time including how the variance process relates to historic structures.

May 2019 – Email and phone discussions with Rebecca Quinn and Steve Martin regarding how to incorporate language for the “exceptions” for historic structures into the ordinance and letting Florida Department of Emergency Management (FDEM) know Naples is almost ready submit a final draft for State review.

June 2019 –Refinement work conducted with the State regarding the final draft and the last few changes, including the agreed upon language for historic structure “exceptions”.

July 2019 – Discussions with the City of Naples Planning Department about removing “FEMA” from zoning regulations and how to tie back to the elevation requirements – further text clean up revisions were added

August 2019 – A copy of the proposed text amendment to the variance process for historic structures was sent to the Naples Historic Society. No comments were received at the Floodplain Management Office. The City Manager met with NHS and at their request, removed the historic structure reference from the FPMO ordinance until NHS and City could discuss the proposed language.

September 11, 2019 – The FPMO went to the Naples Planning Advisory Board (PAB) for review – there was really no discussion on the actual FPMO it was ultimately all about “historic structures” – the City attorney proposed language to the ordinance and currently the ordinance is scheduled for City Council on 10/16/19 with the historic structure language carved out.

A full day work session is scheduled between City staff and NHS on Friday, October 25, 2019 to coordinate and communicate efforts more clearly.

The City needs to move forward with the FPMO as planned for the 1<sup>st</sup> reading on 10/16/19. Contributing/eligible historic structures have their own processes and the FPMO should not be the place to incorporate any additional regulations or exceptions to those processes except as the minimum required under the CFR and NFIP.

### **The 50% Rule**

The use of the 50% rule is for structures that are non-compliant to the current floodplain regulations. BUT as we have previously stated recently IF the contributing historic structure is going through the variance process it is **not required** to provide documentation that would normally be required under the 50% rule process (appraisals and construction cost estimates). IF the contributing historic structure does not want to go through the State Historic Preservation Office (SHPO) for review and the local variance process then the 50% rule would apply.

The City has had multiple conversations with Steve Martin and Rebecca Quinn earlier this year regarding how to process a historic home variance and what documentation was required. Both informed the City that the documentation normally required for the 50% rule is not required for the variance process for contributing historic structures. Other cities around the state the basic training process for NFIP creating confusion and the State was working on educating those communities. The City of Naples however, has the process correct.

The last historic structure variance was in April 2019 and our conversations regarding this process took place in May 2019. Since then the City has had (1) inquiry on an historic structure which was referred to the NHS per managements directive.

The City takes the position that Historic preservation is good thing especially if true preservation of the historic structures can be accomplished. The FPMO is not the place to capture this goal.

As a topic for the October 25<sup>th</sup> work session, the 50% rule does not apply to contributing/eligible historic structures who go through the variance and SHPO review process. I am unclear as to why this topic should be continue to be on the October 25<sup>th</sup> agenda, but I am open to clarification of NHS' concern about the 50% rule.

I would like to propose we substitute the discussion for the October 25<sup>th</sup> meeting in terms of historic preservation of contributing structures inside or outside of the historic district developing to strategizing the development of their own ordinance to address how the City handles historic properties in totality. I believe this would be a more impactful and beneficial to all if we focused our joint efforts on to the ordinance development. Preservation of historical properties require a more serious and comprehensive approach.

Additionally, we are considering ways to improve the customer service interaction to strengthen referrals to NHS by designating a staff member as an historical properties champion. In addition to the ordinance discussion, I'd like to setup quarterly reviews of the status of historical properties so we may improve or modify strategies to ensure we are achieving the preservation goal.

Please let me know if you would like me to add the discussion of historic structures ordinance development to our October 25<sup>th</sup> agenda.

Regards,

C



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**From:** Elaine Reed <[ereed@napleshistoricalsociety.org](mailto:ereed@napleshistoricalsociety.org)>

**Sent:** Tuesday, September 24, 2019 10:24 AM

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**Subject:** RE: PAB Floodplain Ordinance Review - My Thoughts

**CAUTION:** This email originated from outside of the City of Naples e-mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning, and thank you, Charles, for your reply and consideration of my recommendation to postpone the first reading of the floodplain ordinance.

The use of the 50% Rule is one of the questions on the discussion guide I provided to you a few weeks ago (ideally that guide can serve as the Agenda). One major area of discussion, before speaking about the process(es), will be finding agreement on the value and utility of the 50% Rule for historic houses. I believe that it has no function for historic houses in the District or for those houses that are deemed eligible to apply for substantial improvement and floodplain exemptions.

Steve Martin's email reply to that discussion guide indicated so as well, but I know that is entirely different from what the City does to this day. The October 25<sup>th</sup> meeting will be productive in this regard.

Thank you for your genuine determination to do something about historic preservation, Charles. It is greatly appreciated.

Regards,

Elaine L. Reed, MPA  
President & CEO

**Naples Historical Society, Inc.**

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**From:** Charles Chapman [<mailto:CChapman@naplesgov.com>]

**Sent:** Tuesday, September 24, 2019 7:06 AM

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Elaine,

In regards to your first point (1), I did instruct Christa to remove the language at your request. I believed that you were aware this was not a standalone ordinance and rather an attempt to embrace historic structure as a part of the overall plan and preserve them. This miscommunication has created quite a bit of confusion, I agree. In terms of postponing the first public hearing at City Council, I need to see what deadline we are under from NFIP and FEMA to have this ordinance update made. Whether we need to proceed or can wait, I assure you we will bring a text amendment to PAB and to City Council to incentivize historic preservation in the very near future. We already have the language vetted to do so.

Secondly, I am attempting to formalize a process by which recognized contributing structures/addresses in the historic district will be referred first by City staff to NHS and to consider the SHPO process. If SHPO works for the property owners, great! If not, then we have the 51% rule to help them out as a secondary approach. I have instructed my team to vet out this NHS/SHPO priority process for our discussion on 10/25.

Third, the confusion amongst PAB is directly derived from received mixed messaging. I commit to work more closely with you and your Board to improve communications between the two entities so we don't have this problem in the future. Further, I believe that at some juncture, a workshop on our programmatic improvements post October 25<sup>th</sup> should be scheduled with PAB to help them understand our collective historic preservation efforts.

For 10/25 will be centered on getting the process right for the existing historic district recognized property first. Streamlining the referral process so property owners may pursue the SHPO designation/exemption. The back up plan and method of secondary preference is the 51% rule. We must acknowledge that this is the property owners decision. Nevertheless, if property owner of a contributing structure desire to use the 51% rule, I am happy to have my team contact you to let you know the path the property owner has chosen.

My secondary priority for 10/25 is to address the potential new structures and come up with a game plan to obtain historic designation. This may look like the same process outlined above, but that is where I believe Steve Martin can be of the most help in our discussion.

Thank you and I will find out the compelling forces behind the overall floodplain ordinance in regards to your request.

I will be in touch shortly.

C



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**From:** Elaine Reed <[ereed@napleshistoricalsociety.org](mailto:ereed@napleshistoricalsociety.org)>  
**Sent:** Monday, September 23, 2019 5:33 PM  
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**Subject:** PAB Floodplain Ordinance Review - My Thoughts

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Charles:

With regard to the floodplain ordinance discussed at the September 11<sup>th</sup> PAB meeting, I left after sharing public comments and am sorry I couldn't remain for the entire discussion. I've just returned today from traveling and have now reviewed the video and would like to share a few thoughts with you.

- (1) Apparently, Christa was instructed to remove historic preservation language from the floodplain ordinance. When Terry Hutchison, Denny Glass, you and I met in your office a few weeks ago, we four agreed to table the text amendment agenda item for the "like-for-like" modifications to historic structures. I thought the upcoming PAB discussion was exclusively for that text amendment.

At that time, I didn't know there was a 50-page floodplain ordinance in the plans for PAB review. (I learned about the Ordinance on the Friday before the Wednesday PAB meeting by looking at the City's website.) My recommendation to table the like-for-like text amendment discussion was because we need to come to terms on the bigger picture of historic preservation first, then tackle the important preservation tactics such as the like-for-like modifications, etc. Had I known about the floodplain ordinance, I would have recommended that you table that as well.

- (2) There was discussion at the PAB meeting about the 50% Rule and who has to abide by it and who does not, and what can be preserved. This is clearly why the October 25<sup>th</sup> meeting with Steve Martin, et al, is so important. Some comments from the PAB suggest that historic preservation is not fully understood still. We need to address the policy and approach to historic preservation first, before the details of the 50% Rule, etc.

- (3) The notion of potential "unintended consequences" is real. That said, would you consider placing the first reading of the Floodplain Ordinance on the City Council's agenda AFTER the October 25<sup>th</sup> meeting has concluded and we have full agreement on historic preservation program for Naples?**

Steve Martin asked my opinion of the goal of our October 25<sup>th</sup> meeting, and I offered that, in addition to enthusiastic agreement on how preservation will work in Naples, I hope to see two processes result from that day: one process for owners of historic houses in the Naples Historic District, and one process owners of historic houses outside of the District (this would likely be the same as the former process except these homeowners would need to ask for an eligibility determination from the State Historic Preservation Office first).

My hope is that this clarifies some of the confusion or misperceptions from the PAB meeting. Thank you for your time and service to the City of Naples. I look forward to our discussion on Friday, October 25<sup>th</sup>. If you have questions or comments in the meantime, please let me know at your convenience. Thank you.

Regards,

Elaine L. Reed, MPA  
President & CEO  
**Naples Historical Society, Inc.**