

DRAFT



CITY OF FORT PIERCE
**HISTORIC PRESERVATION
BOARD**

Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON TUESDAY, MAY 21, 2019, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: **Jon Neprud; Michael Broderick; Holly Theuns; Charlie Hayek; George Johansen; Suzanne Boardman, Vice-Chair**

Absent: **Jared Osteen; Paul Sampson**

Staff Present: **Peter Sweeney , City Attorney
Linda Cox , City Clerk
Rebeca Guerra , Interim Planning Director
Maria Lewicka , Historic Preservation Planner**

4. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS/EXCUSE NON VOTING ALTERNATE**

Mr. Johansen was made a regular voting member for the meeting.

5. **APPROVAL OF MINUTES**

a. Minutes from the April 22, 2019 meeting

Motion was made by Michael Broderick, and seconded by Charlie Hayek to approve the minutes from the April 22, 2019 meeting.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

6. PUBLIC HEARINGS

a. Certificate of Appropriateness 19-28 - Grain Silo - 130 N. 2nd Street

Ms. Lewicka gave an overview of the application and answered questions from the Board regarding the firelane, handicap ramp, artwork and design for the silo and possible future silo removal. Ms. Lewicka confirmed that the agreement with the city states that if they leave the site they need to restore the site to its previous condition.

Mark Holt, Sailfish Brewing Company, said they are hoping to get the silo approved, so they can continue growing their business in downtown. Mr. Holt said the silo will be bolted down and should not be difficult to remove. Mr. Holt answered questions from the Board on filling the silo, artwork expense, delivery truck size and delivery timeline.

Randy Chapman, resident, said the artwork on the silo will be an improvement to the area.

Jim Norcia, resident, expressed concerns with bringing attention to the silo, and he said he would like to have a mural painted on the side of the building.

Board discussion ensued on the silo mural.

Mr. Sweeney suggested the motion include a time frame, for submission of the proposed artwork, subsequent to the certificate of completion of the silo.

Motion was made by Michael Broderick and seconded by Jon Neprud to approve Certificate of Appropriateness 19-28 with the following conditions:

- 1. The Sailfish logo will be incorporated into the silo itself.**
- 2. A mural acceptable to the Historic Preservation Board be painted on the rear of the building within 120 days of approval by the Historic Preservation Board and that the mural be brought back to the Historic Preservation Board within 60 days.**
- 3. The existing Sailfish logo painted on the rear of the building would be covered up or removed at the time of the installation of the silo.**
- 4. The building department final inspection takes place after all the above conditions have been met.**

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Boardman

After item 6c, Mr. Sweeney stated he wanted to discuss an issue that came up regarding signage on the silo. Having looked back at Section 15 of the Code of Ordinances regarding signs, Mr. Sweeney stated it is important that we re-open the public hearing and address it because it potentially implicates a section that this Board doesn't have authority, necessarily to address, because it is a different section, and the sign code is contingent on what the zoning is. Mr. Sweeney explained the situation to the Board that a 32 foot grain silo is not much difference then the base for a lot of the billboards along US Highway 1 and the Board just approved a logo on the silo, which is a giant sign.

Chairwoman Boardman re-opened the public hearing.

Ms. Guerra stated that Chapter 23 has the ability to grant Variances to the zoning code. Ms. Guerra explained that within Chapter 15, the sign code designates different types of signage attributed to zoning districts and if the sign code is attributed to the type of zoning, that in of itself can be designated as part of the zoning code. Ms Guerra said an argument can be made that the Board has the ability to grant a Variance to that particular section of Chapter 15-7, having to do with the C-4 zoning district, which allows for a maximum height of 10 feet for

any sign based on linear feet on a main street.

Mr. Sweeney stated in order to amend the original motion, a motion and a second for reconsideration would be required and if that passed then the motion would be reconsidered and subject to an amendment to the motion.

Motion was made by Michael Broderick, and seconded by Holly Theuns to reconsider Certificate of Appropriateness 19-28.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

Mr. Hayek asked if anything is allowed on the silo, including a mural.

Ms. Guerra said as long as it does not advertise the business or could be construed as a sign. Ms. Guerra explained that the Historic Preservation Board has the ability to grant a Variance and add that as part of the motion. Ms. Guerra said a motion could be made to approve, subject to the condition that staff has presented, or subject to a Variance in order to allow for a 32 foot sign in lieu of a maximum 10 foot sign.

Mr. Sweeney explained to the Board that they can either go away from the signage argument and go towards a mural or move to have a Variance as part of the conditions, referencing a Variance from Section 15-7, as part of the zoning code and then allow 32 feet instead of 10 feet.

Mr. Broderick said the original motion contained a provision that they had to present the signage package to the Historic Preservation Board within 60 days. Mr. Broderick asked if the Board could theoretically grant the Variance at that point.

Mr. Sweeney stated from a legal perspective you cannot have a forgone conclusion on the Variance so it would need to be part of the current motion.

Board discussion ensued.

Ms. Guerra said if you grant the Variance for the height, it does not preclude you from bringing back the logo or artwork. Ms. Guerra stated the Board is voting to approve the silo and possibly a height Variance.

The Board discussed setting a precedent with such a large sign.

Mr. Sweeney explained the reason he brought up the matter is that essentially the Board would have been setting a precedent without realizing they were setting a precedent.

Mr. Sweeney suggested the Board embody the original motion, with the friendly amendment of the Variance, pursuant to Boards powers to amend section 15-7.

Ms. Lewicka stated that Variances need to be advertised in the paper and notification needs to go out to everyone located within 500 feet.

Ms. Guerra asked the Board to table the motion until the next Historic Preservation Board meeting to research the matter and to have the applicant act in a legal lawful matter. Ms. Guerra said a special meeting could be expedited. Mr. Sweeney encouraged the Board in this decision.

Motion was made by Jon Neprud, and seconded by Charlie Hayek to table Certificate of Appropriateness 19-28 for the silo.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

b. Certificate of Appropriateness 19-31 - New Roof, Door and Windows, Carport Enclosure - 1124 Warrick Drive

Ms. Lewicka gave an overview of the application.

Gary Gamble, applicant representative, said the owner is looking to upgrade the home to make it livable.

Brenda Johnson, Owner, stated she was raised in the house and her family let it go down. Ms. Johnson wants to live in the home and make it into an art studio.

Motion was made by Charlie Hayek, and seconded by Holly Theuns to approve Certificate of Appropriateness 19-31 for the enclosure of the carport, adding two windows and one door and replacement of the roof.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

c. Certificate of Appropriateness 19-34 - New Awning - 100 S. 2nd Street

Ms. Lewicka stated an application for the awning was approved by the Board last month with the condition that the awning will be cantilevered and will be elevated 9 feet from the sidewalk. Ms. Lewicka explained that the applicant brought a new application, which includes alterations to the previous proposal, which will extend 8 feet from the wall and be supported by draped poles.

Mr. Broderick disclosed that he met with the applicant on site to review the installation. Mr. Hayek disclosed that he met with the owner, Mr. Gutierrez, to discuss the project.

Mr. Neprud suggested using a retractable awning.

Mike Adams, representative, stated the awning will be dressed up with curtains, extends beyond the walkway of the sidewalk and falls in line with the cabbage tree planters so it will not impede people walking on the sidewalk.

Gus Gutierrez, applicant, stated the drapes will be in line with the existing palm trees that will anchor the 4 columns.

Mr. Hayek said he believes the drapes add to the panache of the restaurant and it gives it a much grander entrance.

Mr. Broderick said the new installation is a little more upscale and it would tie in well with the Sunrise Theater.

Mr. Neprud was concerned that he was told there were no other options for the original awning,

and he found an option in 5 minutes on the Internet.

Ms. Theuns expressed her concern that the poles are obstructive, and approving this application will be setting a precedent for other poles in the sidewalk downtown.

Motion was made by Charlie Hayek, and seconded by Michael Broderick to approve Certificate of Appropriateness 19-34 with the side drapes, as the new proposal has shown, and include the recommendation from staff that the bottom of the awning structure be 9 feet from the sidewalk.

AYE: Michael Broderick, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

NAY: Jon Neprud, Holly Theuns

Passed

7. NEW BUSINESS

Mr. Broderick stated the information he provided at the last meeting about the appeals process was incorrect. Mr. Broderick handed out an excerpt from the Code and said the appeal process goes to the City Commission.

- a. Administratively Approved Certificates of Appropriateness - April 2019

8. PUBLIC COMMENT

Randy Chapman presented a letter to the Board regarding the properties at 410 N. 2nd Street and 109 Avenue D and stated both properties are located in Edgartown and have deteriorated to the point that they are serious blight and need to be repaired. Mr. Chapman stated that under Chapter 23, Section 23-63, the Board has the authority to enforce the owners to maintain and repair the property so it is in character with the Historic District. Mr. Chapman asked the Board to consider taking action in the near future.

Ms. Lewicka stated the procedure is to send a letter to the property owners with a deadline and if they do not follow up then the matter is presented to the Board and Board can direct staff to send the complaint to Code Enforcement, and they can fine the property.

James Norcia, resident, stated the issue has been a habitual, health and safety problem.

Motion was made by Jon Neprud, and seconded by Michael Broderick to let staff expedite the situation with a letter and if they don't follow up to pursue the Building and Code Enforcement departments.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

9. ELECTION OF CHAIR AND VICE-CHAIR

Motion was made by Charlie Hayek, and seconded by Holly Theuns to nominate Suzanne Boardman as Chair.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

Motion was made by Michael Broderick, and seconded by Jon Neprud to nominate Charlie Hayek as Vice-Chair.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

10. CONSIDERATION OF ABSENCES

Motion was made by Jon Neprud, and seconded by Michael Broderick to excuse Mr. Johansen's absence from the April 22, 2019 meeting.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

Motion was made by Michael Broderick, and seconded by Holly Theuns to excuse Mr. Osteen and Mr. Sampson absences.

AYE: Jon Neprud, Michael Broderick, Holly Theuns, Charlie Hayek, George Johansen, Vice-Chair Suzanne Boardman

Passed

11. ADJOURNMENT

The meeting was adjourned at 7:47 PM.

Michael

Subject: FW: HPB Appeals Procedure

Below is HPB Appeals Procedure.

Sec. 23-66. - Appeals.

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Within twenty (20) days of the written decision of the board, an aggrieved party may appeal the decision by filing a written notice of appeal and an appeal fee of twenty-five dollars (\$25.00) with the city clerk of the city. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular city commission meeting which is scheduled, whichever is later in time, the city commission shall conduct a public hearing at which time they may affirm, modify, or reverse the board's decision. The decision of the city commission shall constitute final administrative review, and no petition for rehearing or reconsideration shall be considered by the city. Nothing contained herein shall preclude the city commission from seeking additional information prior to rendering a final decision. The decision of the city commission shall be in writing and a copy of the decision shall be forwarded to the board and the appealing party.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the city commission may appeal an adverse decision to the circuit court in and for St. Lucie County, Florida. The party taking the appeal shall be required to pay to the city clerk the sum of two hundred dollars (\$200.00) to defray the cost of preparing the record on appeal.

(Ord. No. K-72, § 2, 4-16-01)

Submitted prior to
Meeting -
public comment

May 21, 2019

Historic Preservation Board
City of Fort Pierce, FL 34950

Board Members.

Yesterday after five months the home at 109 Avenue D in Fort Pierce had its yard mowed. Yard growth in some places was almost five feet high.

Before December the same property had not been mowed in three months. This story continues in the past for over 10 years.

During the ten years the home has decayed into an ugly blight in the Edgartown History District. This circa 1910 home is even worse on the inside – it's unsafe, it stinks and it's full of animal feces.

Put bluntly it is a fire hazard and a hazard for diseases spread by animal waste.

The three owners live in PSL, Jensen Beach and Palm City and according to Code Enforcement they game the system by requiring repeated notices of legal action before doing even basic maintenance. They demonstrate an attitude that because "it is Fort Pierce so why should anyone care." Well, I know I care and so do many other residents.

Although not as bad the condition of the home two doors down at 410 N 2nd Street is also unsafe and a blight to the Historic District. Even though the lawn is kept mowed, it has restaurant equipment in the yard, had pallets, canisters, trash barrel and large trailers in the yard.

These two properties require action by the Historic Preservation Committee. And, under Fort Pierce City Code Chapter 23, Article III. HISTORIC PRESERVATION BOARD, Sec. 23-63. - :

Where the historic preservation board or board's staff determines that any improvement within a designated historic site or historic district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to a historic site or historic district lack maintenance and repair to such an extent as to detract from the desirable character of the historic site or historic district, such determination shall be reported to the department of building and code enforcement.

Additionally, Sec. 23-64 – Unsafe structures., states:

In the event the building official determines that any structure within a designated historic site or historic district is unsafe pursuant to the Southern Building Code, as adopted by the city, such official shall immediately notify the historic preservation board with a copy of any findings. Where reasonably feasible within applicable laws and regulations the department of code

enforcement shall endeavor to encourage repair of the structure rather than its demolition and shall take into consideration any comments and recommendations by the board. The board may take appropriate action to encourage preservation of any such structure.

As a resident of Fort Pierce and the Edgartown Historic District I am requesting the Board take action to preserve the integrity due to Fort Pierce's first community.

It's time to clean up Edgartown and keep it clean. No property owner in the historic district should be allow to maintain any property except to the benefit of the Historic District.

Respectfully,

A handwritten signature in black ink, appearing to read "Randy Chapman". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Randy Chapman

106 Avenue D

Fort Pierce Florida 34950