

DRAFT



CITY OF FORT PIERCE
**HISTORIC PRESERVATION
BOARD**

Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON MONDAY, JANUARY 27, 2020, 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**

After roll call Madame Chair Boardman asked the Board to take a moment of silence to recognize the recent passing of Paul Sampson, past Historic Preservation Board member and Chairman, for his dedication to the community and the City of Fort Pierce.

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

Absent: **Kori Benton**

Staff Present: **Jennifer Hofmeister, Planning Director
Tanya Earley, Assistant City Attorney
Maria Lewicka, Historic Preservation Planner**

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

Mr. Johansen and Mr. Westbury were made active voting members for the meeting.

5. **APPROVAL OF MINUTES**

- a. Minutes from the December 9, 2019 meeting

Motion was made by Michael Broderick, and seconded by George Johansen to approve the minutes from the December 9, 2019 meeting.

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

Passed

6. PUBLIC HEARINGS

a. Certificate of Appropriateness 20-01 - New Signs & Variance from Sec 15-7(5)2 - 100 S 2nd Street

City Clerk, Linda Cox introduced the Certificate of Appropriateness, read by title only, into the record.

Tanya Earley, Assistant City Attorney explained the Quasi Judicial procedures for the hearing. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements.

Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than other aspects of tonight's meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence.

Therefore, Board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. The Board will follow the uniform procedures for all quasi-judicial hearings this evening.

Madame Chair Boardman called the proceeding to order.

City Clerk, Linda Cox confirmed from the Historic Preservation Planner that all advertising requirements had been met.

Madame Chair Boardman inquired with the Board regarding ex-parte communications and asked the City Clerk to call the roll:

Holly Theuns - visited site.

John Neprud - visited site.

George Johansen - none.

Anthony Westbury - visited site.

Charlie Hayek - visited site.

Michael Broderick - visited site.

Madame Chair Boardman - none.

Madame Chair Boardman opened the public hearing.

City Clerk, Linda Cox was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath, to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name and sign in for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation: Ms. Lewicka provided the Board with additional information she received from the applicant that was e-mailed to her on January 27, 2020. Ms. Lewicka gave an overview of the application. The applicant is requesting two a barber pole sign and a sign on the second floor above the Bradford Steak House.

Staff recommends approval of the barber pole sign, and denial of the 12 foot second story lettered sign for the following reasons:

1. Placement of the barber pole sign adjacent to the Galleria entrance and to the Galleria tenant directory provides adequate information and direction to potential clients of the barber within the Galleria complex, and blends well the façade and street scape.
2. Placement of the subject sign directly over the full size replica of the front half of a steer sign of the Bradford Steakhouse, which is a unique sign with a strong design element, removes the exclusivity of the existing sign. The existing and proposed signs are vastly different in style and together they are not compatible. Further, the proposed location is not where a patron enters to go to the barbershop, which would lead to confusion.

Board questions for Staff: The Board inquired if a Certificate of Appropriateness was ever requested for the barber pole and if a banner is a sign, when it is permanently mounted to the building. Ms. Lewicka stated that temporary banners are allowed for three months and are approved by the Code Enforcement department.

Applicant Presentation: Applicant Dale Derlugt, sworn was present. Ms. Derlugt explained that barber shop was misspelled on the drawing but it will be spelled properly. As a landlord, we are trying to recruit businesses to downtown and due to the lack of traffic we need to do everything possible to assist business with signage to help promote their business. Ms. Derlugt stated the barbershop entrance is on Orange Avenue.

Planning Director, Jennifer Hofmeister explained it is our duty to support businesses and help them be successful and providing additional signage is not necessarily the way to do that. The building will have all different types of signage and could become clutter some. Promoting the barber shop can be done through marketing, the downtown business alliance and word of mouth. Ms. Hofmeister suggested enhancing the directory sign for the building and looking at a revised master sign package for the building.

Board discussion ensued on a global signage concept and directory signage at the main entrance for all tenants. The Board expressed concerns on applications for this building coming in after the fact, banner type material becoming signage and the code saying one sign per shop and the Barbershop having three signs if the barber pole is approved.

Public comment:

Michael McLeod was sworn in by City Clerk, Linda Cox – Does not support application.

Applicant Final Comments: Dale Derlug asked the Board if they are suggesting a larger directory sign for more impact.

Madame Chair Boardman seeing no one else, closed the hearing for public comment.

Motion was made by Charlie Hayek, and seconded by Anthony Westbury to approve the barberpole as shown on the drawing

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

Passed

Motion was made by Holly Theuns, and seconded by Charlie Hayek to deny the request for the 2nd Street signage above the Bradford awning.

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

Passed

After the vote Assistant City Attorney, Tanya Earley articulated the reasons that would support competent substantial evidence for the denial of the 2nd Street signage:

As to the 2nd story window sign, the requested sign is not compatible with the existing signs in size, scale and proportion and this incompatibility distracts from the integrity of the property and its environment and there is no relation between the sign and the entrance to the barbershop.

b. Certificate of Appropriateness 19-78 - Demolition - 1009 Delaware Avenue

Tanya Earley, Assistant City Attorney explained the Quasi Judicial procedures for the hearing. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements.

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Anthony Westbury - none
Charlie Hayek - visited site.
Michael Broderick - visited site.
Holly Theuns - visited site.
John Neprud - visited site.
George Johansen - visited site.
Madame Chair Boardman - none.

Madame Chair Boardman opened the public hearing.

City Clerk, Linda Cox was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath, to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name and sign in for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Ms. Lewicka provided the Board with additional information she received from the applicant on January 27, 2020.

Assistant City Attorney, Tanya Earley asked if the applicant was being represented by counsel. She stated since this letter was e-mailed to Ms. Lewicka previously, staff can refer to it, and it is okay that the Board has it.

Richard Carnell, Applicant for Women's Care Center, sworn was present stated they object to the letter being given out to the Historic Preservation Board because accepting the letter without the Women's Care Center Board authorization attached, would not be appropriate.

Assistant City Attorney, Tanya Earley asked Ms. Lewicka if the letter was being used in her presentation. Ms. Earley asked that the letter not be included because it is a statement made by a third party who has not achieved intervenor status and staff is not actively relying on it

Staff Presentation: Ms. Lewicka gave an overview of the application and showed pictures of the historic significant property damage. The applicant's request is to demolish the building and the shed in the backyard due to long term neglect resulting in termite damage to the foundation, floors, and rafters. Ms. Lewicka read the answers from the applicant to the six criteria required for demolition.

The application does not meet several criteria for demolition of a historic structure. However, as stated by the applicant, due to the high estimated cost of building rehabilitation the applicant is precluded from preserving this historic structure. Nevertheless, as stated earlier, it is the professional opinion of staff that the historical architectural value of the building and staff's duty to uphold the interests of the public, that the City should make all possible effort to save the structure at 1009 Delaware Avenue. Therefore, staff recommends that the Historic Preservation Board deny the request for demolition of the contributing structure located at 1009 Delaware Avenue.

Alternatively, pursuant to City Code Section 23-49—Demolition, the Historic Preservation Board may approve the demolition request for the contributing structure located at 1009 Delaware Avenue, subject to the following Condition of Approval: "The deferred effective date of this demolition approval shall be determined by the Historic Preservation Board but not to exceed eighteen (18) months in order to allow sufficient time to determine the feasibility of relocation or renovation of the subject structure."

Regardless of the final action of the Board, Staff also recommends approval of a demolition request for the existing shed since its construction does not represent any significant architectural value.

Board questions for Staff: Is it correct to say that a new proposed building application would not be seen by the Historic Preservation Board because the property is not located in a historic district? Has anyone from the building department been in the building to see the condition? What are Shaun Coss's qualifications to do the inspection? The Board asked the history of the building with the Planning department.

Building Department Coordinator, Shaun Coss, sworn was present. The major issues of the house were the concrete pier foundation system and electrical system. There are a number of concrete piers that are deformed, dislodged and completely crumbled. The electrical system is mixed with original knob and tube wiring and Romex, which does not appear to be permitted and there is no smoke detectors in the home. The termite damage is apparent throughout the home but cannot speculate on how extreme the damage is with the limited view of the building.

Board questions for Staff: Is it a big fix to repair the piers? Mr. Coss stated that would be up to the design professional to determine how the piers need to be repaired. Another consideration during the time of my inspection was the knowledge that this was going to be used as a

medical office, which would trigger a change of use in occupancy, meaning the entire structure would have to be brought up to code. For historic structures the scale of the condition of the building is somewhere in the middle. The Inspection included the review of reports from the applicant's engineer and home inspector's report. For the most part there is no apparent structural damage to the overall structure. The high cost of the applicant's estimate would be due to the change of use and access to the concrete piers and limited floor space. Mr. Coss stated his qualifications: International Code Council Property Maintenance and Housing Inspector since 2015 and also a Provisional Structural Plan Reviewer, which was obtained by Department of Business and Professional Regulations in August 2019.

Richard Carnell for the Applicant, sworn was present. Mr. Carnell questioned Ms. Lewicka. Mr. Carnell stated the Women's Care Center agreed, in the event the demolition petition was granted, to construct a building that incorporated some of the architectural features that were being lost. Mr. Carnell asked staff who said the major deficiencies are repairable and what staff sees in the structure that indicates there is not great difficulty in the renovation. Did the city or the Historic Preservation Board ever accept the Women's Care Center offer to take possession and move the structure?

Mr. Carnell questioned Mr. Coss on his inspection report. Who indicated the Women's Care Center would be a medical office?

Applicant Presentation: Applicant, Mr. Carnell, Board member with the Women's Care Center, sworn was present. Mr. Carnell disagreed with the staff report and said the structure is not on the historic register or in the historic district. The Women's Care Center provides services to women and babies and the statistics show that St. Lucie County and the City of Fort Pierce are in need of those services.

Terry Schlitt, Licensed Professional Engineer, was sworn, was tasked do a visual superficial analysis and inspection on the structure to see if it was able to be renovated and what difficulty and challenges would there be to make the historical structure it into a place of business, specifically for the Women's Care Center. I was also asked to provide guidance on some structural fixes on how to renovate the building, allowing it to meet today's building code, for the components that need to be increased in capacity. My conclusion is anytime you touch a structure with this age of construction, you need to evaluate all the existing components and the building code that it was built. If your scope of work exceeds the 50% rule in the cost of the existing building, then you need to be aware of the existing building code which requires verification of existing structural components that need to be brought up to the current building code. This structure would meet that threshold quickly and trying to bring it up to code would be very difficult.

Mike Menard, Partners in Architectonic Architectural firm, was sworn, was hired to provide a conceptual design and site layout if the demolition was approved and to give a professional opinion of the structure. I found termite damage on structural members, foundation pier damage, holes in rear siding, sketchy electrical work, plumbing not up to code, trim work replaced without caulk, and paint hiding termite damage. Based on experience doing rehabilitation, the extent of renovation and cost definitely exceeds the value of the structure based on the property appraiser's assessed value.

Gerry Rourke, Executive Director of Women's Care Center was sworn. We average over 16 women everyday in our Vero Beach location. They are seeking compassion, emotional and financial support and hope. We see the struggle of unplanned pregnancies in St Lucie County and Fort Pierce and the overwhelming need for support and education, which we will provide. We need a safe place to see these women. Ms. Rourke provided the Board a community impact stat sheet. We were told the staff analysis was to recommend demolition.

Assistant City Attorney, Tanya Earley, stated she does not want to be overly severe in limiting what the applicant brings into the record because of the nature of the proceedings. Ms. Earley reminded the Board of the criteria they are to follow in making their decision, which is set forth in the code of ordinances, and require the Board to consider factors that are more relevant to the actual structure and site itself. The stat sheet may be stretching the bounds of relevance. Ms. Earley asked for the community impact stat sheet to be entered into the record.

Holly Scrapets, Operations Manager with the Women's Care Center, was sworn. The Women's Care Center offers willingness to provide support unconditionally. Ms Scrapets has a signed petition with 868 signatures in favor of the demolition. The signed petition was entered into the record.

John Rourke, Treasurer with the Women's Care Center, was sworn. The Board looked for a long time to find a building in Fort Pierce. The estimate to repair the structure is around \$900 thousand but will most likely cost 1.2 million and to be good stewards we need to demo this building and build a new one.

Board questions for applicant: The extensive inspection report stating the condition of the building was done in April 2019 and the Women's Care Center purchased the building for commercial use in August 2019 knowing the condition of the building and knowing the work required to bring the building up to code. This does not make sense. Mr. Carnell said the Women's Care Center purchased the property with a vision and since the building is under the jurisdiction of the Historic Preservation Board and the real estate is not, technically it is severable. We offered to allow the Historic Preservation Board to remove the home but the real estate is not part of the structure.

Assistant City Attorney, Tanya Earley, explained that as long as the house on the property, the structure is under the Historic Preservation Board's jurisdiction. The issue is whether or not the structure should be removed and the criteria used in making that decision.

Board questions for applicant continued: If you knew the condition of the building when you bought it and knew you could not afford to fix it, why did you not buy another piece of vacant land. Mr. Carnell stated we were not fully knowledgeable about the scope and cost of renovation. The desire to come into St. Lucie County based on the calls the Women Care Center received perhaps overrode what should have happened. We are willing to convey the structure and if the city and Historic Preservation Board desire this structure and feel it meets the criteria, we offered the building. Mr. Carnell said the location was important because it is centrally located and it was based on the calls received. We are opened to discussing a deferral.

In the area of renovation costs, the engineer's report states this study was specifically requested to evaluate the existing structure to see if the building could house a Women's Care Clinic. Is it fair to say that the analysis and inspection was based on a change of use on the property? Some of the components would also relate to a residence but we do not know what the exact cost would be. Mr. Carnell said they met with a separate contractor and they went to JC Welton Construction to get a firm price and they indicated they would not touch it. We brought in another contractor to get additional information and that contractor provided a cost breakdown.

The value of the home is \$37,000 so 50% of that value will require everything to meet code. What would it cost to build that house today? It would be fair to say it would cost more than \$37,000. Do you have an estimated cost as to the facility you are proposing for the site? Mr. Rourke said the cost would be \$150.00 per square foot for a 3,000 square foot building so you are talking \$450,000 plus demolition.

If you were going to put this structure back to a current residence your figures are inflated. Mr. Carnell stated we did not build the numbers. We sat down with a contractor and he gave us that number and there is compensation for risk. They were one contractor of three that gave us a number.

These historical houses are what gives Fort Pierce its charm. Mr. Carnell offered the city or the Historic Preservation Board to take the structure and we also offered to staff to construct a building that kept the character and historical. There is a lot done to the structure that has removed it from preservation.

Has there been any investigation from your group to seek out proper funding and groups that would be interested in that undertaking? Mr. Carnell said they found one individual that would be interested in moving the residence but is not interested due to the foundation issues. We started with the possibility of renovation but it is not feasible. Has there been any consideration to outright selling the property and finding an alternate location? We did consider it but this property sat on the market for 6 years with no takers.

What about tabling it for a month or two to advertise and see if someone would be interested in purchasing the property?

Ms. Hofmeister clarified that staff did attempt to have the Board go view the interior of the home but we were not able to come to terms with that because the Board would have to sign a waiver and the city's attorney office did not believe that was appropriate because it would be open to the public. There are opportunities to reach out to others that can redevelop the sight and move the structure.

Public comment:

Millie Delgroos, was sworn in by City Clerk, Linda Cox – Supports demolition.
Tiffany Barley, was sworn in by City Clerk, Linda Cox – Supports demolition.
Jeanne Arias, was sworn in by City Clerk, Linda Cox – Against demolition.
Kathryn Boothe, was sworn in by City Clerk, Linda Cox – Supports demolition.
Toni Monokian, was sworn in by City Clerk, Linda Cox – Against demolition.
Kathryn Carnell, was sworn in by City Clerk, Linda Cox - Supports demolition.
Michael McLeod, was sworn in by City Clerk, Linda Cox - Against demolition.
Gloria Broderick, was sworn in by City Clerk, Linda Cox - Supports demolition.
Cathy Wassylenko, was sworn in by City Clerk, Linda Cox - Against demolition.
Gerri Rourke, was sworn in by City Clerk, Linda Cox - Supports demolition.
William Heady, was sworn in by City Clerk, Linda Cox - Supports demolition.
William Heady, was sworn in by City Clerk, Linda Cox - Supports demolition.
Elaina Yella, was sworn in by City Clerk, Linda Cox - Supports demolition.

Madame Chair Boardman seeing no one else, closed the hearing for public comment.

Applicant Final Comments: Richard Carnell, Women's Care Center, provided documentation as part of its package, from the opinion of a structural engineer, licensed general contractor, building inspection by a licensed general contractor, termite inspection and the city code inspection report that are all in favor of demolition. The structure does not meet national or state criteria but it is historically significant. There are other structures that represent the same or similar architecture. There is no evidence that the structure contributes significantly.

Staff Final Comments: Ms. Hofmeister, Planning Director, there are two things going on here. One is the proposed use and the other is the structure and the site. When it was historically designated by the Board in 2005, it was the structure and the site. It is not just the criteria that you have a check box for, this is a home that has significance to the story of Fort Pierce and

historic homes are going away because of neglect. We have to preserve our history and that is why the city created a Historic Preservation Board because it came from the people. When you buy a historic structure there is going to be unforeseen cost. You are buying something that has been neglected but, because of the love of history and the significance of what it plays for all generations, you want to preserve it. There is a need for this business but this is not a suitable location and as staff we are trying to remedy it. We asked about getting the Board to tour the house but we could not have the general public sign the waiver. Staff has been seeking out anyone interested in the house and I have been meeting to create a funding source to preserve our historic structures.

Applicant's Response to Staff's Final Comments: Mr. Carnell. The decision by the Board is based on the individual property and truly based on the criteria. It is not about the actual use and location unless that fits the last criteria on the list. As an accommodation, I can recommend to the Board to defer 60 days to allow the opportunity of staff to find someone for the structure. The weight of the evidence is in favor of the demolition.

Comments and Deliberation by the Board: A deferral may be an option of a 60 day timeline from the applicant and 180 days from staff.

Assistant City Attorney, Tanya Earley, There are two ways procedurally for a decision to be deferred. The first way is the Board may suspend the proceeding. The other option would be granting the applicants' request, but you would make the effective date at a later date between now and up to 18 months from now. At the expiration of whatever time period was set, the applicant can come before you and ask to demolish the building and at that point in time, the demolish shall be granted.

Motion was made by Anthony Westbury, and seconded by Charlie Hayek to deny the request for the demolition of the contributing structure, Certificate of Appropriateness 19-48.

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

Passed

After the vote Assistant City Attorney, Tanya Earley set forth some of the reasoning that effected the Board's denial decision.

1. In 2005 the property was designated a historic and locally significant site.
2. The property does have structural deficiencies, however per the testimony of city staff, who actually inspected the property, those structural deficiencies can be cured.
3. The property falls within roughly the middle range of properties that staff has inspected in terms of the age and condition of the property.
4. There appears to be no overall structural damage per the Building Coordinator's observation and inspection.
5. The structure is representative of an architectural style, that although is represented elsewhere in the city, has been represented in decreasing numbers.
6. Due to the close proximity to the adjacent historic district the removal of the property would negatively effect the historic district in terms of aesthetic quality.
7. The cost to rebuild is highly inflated.
8. The building proposed to replace the historic structure differs in style, scale and detail.

c. **PULLED AT THE REQUEST OF APPLICANT - Certificate of Appropriateness 19-79 - Demolition - 209 Avenue D**

7. NEW BUSINESS

a. **Administratively Approved Certificates of Appropriateness - November & December 2019**

Motion was made by Jon Neprud, and seconded by Charlie Hayek to accept the Administratively Approved Certificates of Appropriateness for November and December 2019.

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

Passed

8. **COMMENTS FROM THE PUBLIC**

9. **CONSIDERATION OF ABSENCES**

Mr. Benton was excused.

10. **STAFF COMMENT**

The Board asked for an update on the Arcade building signs. Ms. Hofmeister stated because there is no record of the building being historically named the Arcade Building, staff met with the owners to see if they could add a little bit of language to the building, The owner was willing to entertain a larger historic plaque on the exterior of the building.

Ms. Hofmeister explained staff has been taking a look at what other local governments are doing when it comes to Historic Preservation. She said staff will be coordinating time with Lake Worth and Delray Beach to learn more on how their historical societies serve as a funding source. Ms. Hofmeister showed the Board how the Cottages of Lake Worth provides historic home tours as a fund raiser.

11. **ADJOURNMENT**