

# DRAFT



CITY OF FORT PIERCE  
**HISTORIC PRESERVATION  
BOARD**

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## Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON TUESDAY, SEPTEMBER 28, 2021, 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: Holly Theuns; Michael Broderick; Charlie Hayek; George Johansen; Suzanne Boardman, Chair

Absent: Anthony Westbury; Kori Benton

Staff Present: Jennifer Hofmeister, Planning Director  
Maria Lewicka, Historic Preservation Planner  
Alicia Rosenthal, Executive Assistant

**4. APPROVAL OF MINUTES**

- a. Minutes from the July 26, 2021 meeting

Motion was made by Charlie Hayek, and seconded by Michael Broderick to approve the minutes from the July 26, 2021 meeting.

AYE: Michael Broderick, Charlie Hayek, George Johansen, Holly Theuns, Chair Suzanne Boardman

Passed

**5. PUBLIC HEARINGS**

a. **Certificate of Appropriateness #21-46 - Fence - 506 North 2nd Street**

Madame Chair Boardman recused herself and passed the gavel to Vice-Chair Hayek.

Chairman Hayek introduced the Certificate of Appropriateness for a new fence at 506 N. 2nd Street.

Chairman Hayek asked the Board Attorney, Fran Ross, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Fran Ross, Board Attorney, reminded the Board that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the Board engages in law-making activity by passing laws and establishing policies. 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 the normal Board 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. That is why the Commission has established the uniform procedures for quasi-judicial hearings that will be followed today.

Chairman Hayek called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Hayek inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Johansen – no  
Ms. Theuns – no  
Mr. Broderick – no  
Mr. Hayek – no

Chairman Hayek opened the public hearing.

The clerk 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 for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

**Staff Presentation:**

Maria Lewicka, Historic Preservation Planner, provided an overview of the application. The subject site is a non-contributing site located within the Edgartown Historic District. The property consists of two residential duplexes built in 1950. The applicant is requesting approval of a Certificate of Appropriateness for the installation/replacement of missing fence sections with a new, 4 foot tall, white wood picket fence on the west property line. Proposed fence sections will be attached to the existing concrete posts. Fences are important elements of the design and character of historic structures and districts. The scale and character of a fence must be compatible with the houses and the neighboring structures. The current proposal seeks to install fencing material that is compatible with the materials and architectural features appropriate to protect the historic integrity of the property and the neighborhood. Staff recommends that the Board approve the request for installation of a white picket fence as submitted based upon Secretary of Interior Standards 9.

Board questions for Staff: None

Applicant questions for Staff: none

Applicant presentation: Paul Boardman, Applicant, sworn, explained the fence is being installed to prevent foot traffic through the property.

Board questions for Applicant: None

Public comment: None

Staff final comments: None

Chairman Hayek, seeing no one else, closed the public hearing.

Comments by the Board: None

Motion was made by Michael Broderick, and seconded by Holly Theuns to approve Certificate of Appropriateness 21-46 for the fence located at 506 N. 2nd Street.

AYE: George Johansen, Holly Theuns, Michael Broderick, Charlie Hayek

Other: Chair Suzanne Boardman (ABSTAIN)

Passed

**b. Certificate of Appropriateness #21-52 - Stage - 411 North 2nd Street**

This item was moved to 5c. Due to two members recusal, there was not a quorum and the item was not presented to the Board. This item will be continued to next month's Historic Preservation Board meeting.

**c. Certificate of Appropriateness #21-51 - Fence & Variance - 523 North 13th Street**

Madam Chair Boardman introduced the Certificate of Appropriateness and Variance for a fence with gates at 523 N. 13th Street.

Madam Chair Boardman called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

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

Mr. Johansen - no

Ms. Theuns - no

Mr. Broderick - no

Mr. Hayek - no

Madam Chair Boardman - no

Madam Chair Boardman opened the public hearing.

The clerk 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 for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

**Staff Presentation:**

Maria Lewicka, Historic Preservation Planner, provided an overview of the application. The property owner, Neighborhood Bibleway Revival, Inc., has combined 12 lots in the Lincoln Park Historic District spanning North 13th and North 14th Streets. The subject property consists of a church and three (3) buildings, all of which are non-contributing structures. The applicant is requesting COA approval for the installation of a six (6) foot high black aluminum fence along all property lines, installation of two (2) six (6) foot by 30 foot wide double gates at the east and west entries and installation of three (3) six foot high by six (6) foot wide single gates for pedestrian access to the existing structures.

In conjunction with the subject Certificate of Appropriateness application, a variance is requested to deviate from City Code Section 125-322.(c)(2), which restricts the maximum height of the fence located within the required front yard to four (4) feet. The applicant is requesting a height of six (6) feet for the fence within the required front yard.

Fences are important elements of the design and character of historic structures and districts. The scale and character of a fence must be compatible with the existing fences and the neighboring structures. The subject proposal seeks to install a six (6) foot high, black aluminum fence along all property lines with two (2) double and three (3) single gates. The height, color and mass of the fence, will blend well with the existing street scape. The fence appears not to be intrusive and transparent enough to display well maintained and beautiful site landscaping. There are several chain link fences in the neighborhood, including a six (6) foot high school fence along 13th Street.

Based upon Secretary of Interior's Standard #9, staff recommends that the Board approve the request for the installation of the proposed fence and gates. The applicant may consider different "residential" styled aluminum gates in lieu of the proposed industrial style gates, complimentary in design to the proposed aluminum fencing. Additionally, staff recommends approval of the Variance since the applicant provided sufficient information and compelling reasons to determine that requirements of City Code Sec. 125-108 of the City Code - Criteria for granting variances (1) through (5) have been met.

Board questions for Staff: Mr. Broderick asked if the shadowbox fence belongs to the church and if the church is in agreement with staff's gate selections. Mr. Johansen asked if there is a gap between the sidewalk and the fence.

Applicant questions for Staff: none

Applicant presentation: Johnny McCoy, Representative sworn, stated the shadowbox fence is being demolished and the reason for a 6-foot-high fence is to prevent traffic from coming through the property to use, buy and sell drugs.

Board questions for Applicant: Mr. Broderick asked how they intend to use the gates. Ms. Theuns asked applicant if he thought people would jump a 4-foot fence.

Public comment: Gary Gamsh, Church member, sworn, stated people would hop a 4-foot fence and there are lots of places to hide. He said the fence would protect the church from lawsuits, keep the children safe and beautify the neighborhood.

Teresa Barron, Church member, sworn, explained there has been break-ins, an attempted robbery, homeless people sleeping on the grounds and taking baths, intoxicated people,

prostitutes, drug use, neighborhood dogs, and vehicles left on the property. She stated a 6-foot high fence would stop a lot or all of the unwanted activities.

Jason McNew, Fence Installer, sworn, stated he is helping Mr. McCoy with the installation and provided additional details of the fence and gates. He commented that the 6-foot high fence and swing gates are needed severely and will beautify the neighborhood.

Staff final comments: Ms. Lewicka stated letters were sent out for the Variance and there were no responses.

Madam Chair Boardman, seeing no one else, closed the public hearing.

Comments by the Board: None

Motion was made by Charlie Hayek, and seconded by Holly Theuns to approve Certificate of Appropriateness 21-51 and Variance for the fence and gates located at 523 N. 13th Street.

AYE: Charlie Hayek, George Johansen, Holly Theuns, Michael Broderick, Chair Suzanne  
Boardman

Passed

## **6. NEW BUSINESS**

- a. Administratively Approved Certificates of Appropriateness - July 2021
- b. Administratively Approved Certificates of Appropriateness - August 2021

## **7. COMMENTS FROM THE PUBLIC**

The applicant for Pierced Ciderworks asked when his item would be heard by the Historic Preservation Board.

After comments from the public, the Board discussed having staff provide a booklet to applicants with suggested guidelines of what the city prefers for fences and roofs.

## **8. CONSIDERATION OF ABSENCES**

Motion was made by Holly Theuns, and seconded by Charlie Hayek to approve the absence of Mr. Westbury and table the vote on Mr. Benton's absence until the next Historic Preservation Board meeting.

AYE: Michael Broderick, Charlie Hayek, George Johansen, Holly Theuns, Chair Suzanne  
Boardman

Passed

## **9. ADJOURNMENT**

## FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Boardman Suzanne Mary</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Fort Pierce Historic Preservation</i>
MAILING ADDRESS <i>524 W 2nd Street</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <i>Ft Pierce FL      34950</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Suzanne M. Boardman, hereby disclose that on 9/28, 2021:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, BBC Inc. Paul Boardman spouse;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9/28/2021  
Date Filed

Suzanne M. Boardman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.