

# 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 MONDAY, OCTOBER 25, 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**

Ms. Theuns entered the meeting at 2:04 PM.

Present: Michael Broderick; Kori Benton; Charlie Hayek; Holly Theuns; Anthony Westbury;  
George Johansen; Suzanne Boardman, Chair

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

4. **APPROVAL OF MINUTES**

- a. Minutes from the September 28, 2021, meeting

Motion was made by Charlie Hayek, and seconded by Michael Broderick to approve the minutes from the September 28, 2021 meeting.

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

Passed

5. **PUBLIC HEARINGS**

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

Madam Chair Boardman introduced the Certificate of Appropriateness for a stage at 411 N. 2nd Street.

Madam Chair Boardman 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.

Madam Chair Boardman called the proceeding to order.

Ms. Theuns and Mr. Hayek both were recused.

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. Westbury no  
Mr. Johansen - yes  
Mr. Broderick - no  
Mr. Benton - 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 subject property is located at the southern entrance to the Edgartown Historic District, across the street from the AE "Beanie" Backus home. Originally owned by the famous photographer, Harry Hill, the property comprises three (3) contributing structures, dating back to 1904. One of the buildings is located in the rear of the property and the other two (2) wood frame vernacular structures front North 2nd Street.

The applicant is requesting Certificate of Appropriateness approval for the performance stage that has already been installed in the rear of the property. The stage is an accessory structure to the "Pierced Ciderworks" establishment and is use for life music concerts and special events.

One of the goals of historic preservation is to create new structures designed in harmony with adjacent contributing structures, the close surroundings and overall development pattern. The stage (accessory structure) is located on the back of the property and almost invisible from the street. The design scheme, combining the old truck with elements of an old structure, is an interesting, innovating and entertaining approach to a stage design. The size and scale of the stage is compatible with the other buildings located on the same property. The appearance of the structure does not seem to be intrusive or interfering with the street scenery and beauty.

Overall, the stage structure installation is consistent with Secretary of the Interior Standards #9 and #10, and staff recommends that the Historic Preservation Board approve the request.

Ms. Lewicka noted that the hours of operation and how to measure loud music will be decided upon at the Edgartown Community meetings.

Board questions for Staff: Mr. Broderick asked if there is significant push back from the Edgartown community. Ms. Lewicka stated only from the adjacent neighbor.

Applicant questions for Staff: none

Applicant presentation: Jonathan Nolli, Applicant, sworn, stated originally the stage was going to be mobile, and he needed to make it permanent. Mr. Nolli said the stage was created from old wood to make it look like an old front porch. He layered it with foam and extra wood to absorb the sound. Mr. Nolli stated he has lots of support for the stage, and he has seen an increase in sales since the music was added. Mr. Nolli said if the stage is approved he will be investing in special speakers that will hone the sound into a specific area.

Board questions for Applicant: None

Public comment: None

Staff final comments: None

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

Comments by the Board: Mr. Benton said the stage blends in well with the FEC rail line and is a nice transition.

Motion was made by Kori Benton, and seconded by Michael Broderick to approve the Certificate of Appropriateness for a stage at 411 N. 2nd Street, with the caveat that it is not the Historic Preservation Board's purview to interpret the noise ordinance or any other issues pertaining to the use and function of the stage.

AYE: Anthony Westbury, George Johansen, Michael Broderick, Kori Benton, Chair  
Suzanne Boardman

Other: Charlie Hayek (ABSTAIN), Holly Theuns (ABSTAIN)

Passed

b. **Certificate of Appropriateness #21-57 - Detached Garage - 708 Boston Avenue**

Madam Chair Boardman introduced the Certificate of Appropriateness for a detached garage at 708 Boston Avenue.

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:

Ms. Theuns - no  
Mr. Westbury no  
Mr. Johansen - yes  
Mr. Broderick - no  
Mr. Benton - 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 subject property is located within the Sample Oaks Historic District. Currently, there is one (1) small Vernacular Frame house located near the middle of the west side of the property, that was built in 1926. The house has a gable roof, entrance porch and hardwood lap siding and is almost completely screened from public view by lush landscaping.

The applicant is requesting a Certificate of Appropriateness for the construction of a 32' x 36' concrete pad and a 25' x 25' detached garage. The proposed metal shell garage will be painted to match the existing house.

One of the goals of historic preservation is to create new structures designed in harmony with adjacent contributing structures, the close surroundings and overall development patterns. The proposed garage (accessory structure) is to be located on the back of the property and almost invisible from the street. Although the design scheme and material of the proposed structure does not match with the existing historic residential structure, it is not intrusive nor does it interfere with the streetscape for the following reasons:

- The garage (accessory structure) is located on the back of the property (163.5' from the front property line) and invisible from the street.
- The property across the street is occupied by a large parking lot surrounded by six (6) foot high chain link fence topped with two (2) strands of barber wire.
- The subject property is well maintained with a pleasant appearance including white a picket fence with attractive gates.
- The existing extensive landscaping of old trees and palms was enhanced by several beautiful foxtail palms.

Overall, although the proposed garage lacks design compatibility with the existing structure, the applicant will be painting the structure to match the existing home. Additionally, the identified location and existing landscaping provides adequate screening to protect the integrity of the subject property and the surrounding area. Therefore, staff recommends that the Historic Preservation Board approve the subject request.

Board questions for Staff: Mr. Johansen asked if the garage has to look historic. Ms. Lewicka explained the garage has to be compatible with the neighborhood and integrate with the street design. Mr. Benton asked if the northeast home on Atlantic Avenue is a contributing structure and if anything could be added, like faux stucco, to make the garage more compatible with the neighboring structure.

Applicant questions for Staff: none

Applicant presentation: Jose Alanis, Owner, sworn, explained that the thick metal shed has wind resistance of 195 mph and a 40-year guarantee not to rust. Mr. Alanis said he can paint the garage the color of the house, and he will be planting more trees and adding vining plants by the chain link fence.

Board questions for Applicant: Mr. Benton asked Mr. Alanis if he owns all three lots.

Public comment: None

Staff final comments:

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 Anthony Westbury to approve Certificate of Appropriateness 21-57 for the installation of a detached garage at 708 Boston Avenue.

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

Passed

## **6. NEW BUSINESS**

- a. Administratively Approved Certificates of Appropriateness - September 2021

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

There were no comments from the public.

## **8. CONSIDERATION OF ABSENCES**

- a. Absence from the September 28, 2021, meeting

Motion was made by Charlie Hayek, and seconded by George Johansen to approve the absence of Mr. Benton from the September 28, 2021 meeting.

AYE: Anthony Westbury, George Johansen, Michael Broderick, Kori Benton, Charlie Hayek, 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>Thomas Holly</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Historic Preservation</i>
MAILING ADDRESS <i>417 N 2nd St</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>Fort Pierce      St Lucie</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>9/28/21</i>	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, Holly Thery, hereby disclose that on Sep 28, 20 21:

(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, \_\_\_\_\_;
- 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:

I own property and live next door to the parcel and wish to speak to the issue as a neighbor - not a board member

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.

9/28/21  
Date Filed

[Signature]  
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>HANEK CHARLES C.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>HISTORIC PRESERVATION BOARD</i>
MAILING ADDRESS	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 _____	NAME OF POLITICAL SUBDIVISION: <i>FOOT HILLS</i>
DATE ON WHICH VOTE OCCURRED <i>9-28-21</i>	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.

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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.

\* \* \* \* \*

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**APPOINTED OFFICERS (continued)**

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**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_ :


(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, \_\_\_\_\_ ;
- 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.

9.28.21  
Date Filed

  
Signature

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