

DRAFT



CITY OF FORT PIERCE
**HISTORIC PRESERVATION
BOARD**

Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON MONDAY, SEPTEMBER 26, 2022, 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: Betty Jo Starke; Anthony Westbury; Andrea Anicito; Holly Theuns; Minnie Spivey; Charlie Hayek, Chairman

Absent: KeAndrea Davis

Staff Present: Kev Freeman, Planning Director
Sara Hedges, Assistant City Attorney
Ryan Altizer, Planner
Alicia Rosenthal, Planning & Development Organizer

4. **APPROVAL OF MINUTES**

- a. Minutes from the August 22, 2022 meeting

Motion was made by Betty Jo Starke, and seconded by Andrea Anicito to approve the minutes from the August 22, 2022 meeting.

AYE: Anthony Westbury, Andrea Anicito, Holly Theuns, Minnie Spivey, Betty Jo Starke, Chairman Charlie Hayek

Passed

5. **PUBLIC HEARINGS**

a. **Certificate of Appropriateness 22-47 - Fence and Trellis - 419 N. 2nd Street**

The clerk introduced Certificate of Appropriateness 22-47 for the installation of a fence and trellis located at 419 N. 2nd Street.

Ms. Theuns recused herself.

Chairman Hayek asked the Assistant City Attorney to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, the Assistant City 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:

Ms. Anicito - yes

Ms. Spivey - no

Ms. Starke - no

Ms. Westbury - no

Chairman Hayek - yes

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.

Staff Presentation:

Ryan Altizer, Planner, provided an overview of the application. The applicant is requesting approval of a Certificate of Appropriateness to allow for the installation of a new 4-foot-high white vinyl picket fence with a 4-foot gate along the front property line and the installation of a white trellis over the proposed gate. The new architectural elements, fence and trellis compose well with the existing building and neighborhood area. The new alterations enhance the property's overall appearance and its contribution to the historic character of the Edgartown district.

Board questions for Staff: None

Applicant Presentation: Holly Theuns, Applicant, sworn, stated she would like a wooden fence

instead of a vinyl fence. Ms. Theuns said her contractor favored stain over paint for maintenance issues and less curing time.

Board questions for Applicant: Mr. Westbury asked if the fence is scalloped or flat on top. Ms. Anicito asked if there are fences on the adjacent properties.

Public comment: None

Staff final comments: Mr. Freeman stated that staff has no objections to changing the material of the fence from vinyl to wood and that the change be incorporated into the decision.

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

Comments by the Board: Chairman Hayek suggested using pressure treated wood and the wood should cure for 6 months before being painted.

Motion was made by Andrea Anicito, and seconded by Minnie Spivey to approve Certificate of Appropriateness 22-47 at 419 N. 2nd Street for the installation of a 4-foot-high white wood picket fence with a 4-foot gate along the front property line with a white trellis over the proposed gate.

AYE: Andrea Anicito, Minnie Spivey, Betty Jo Starke, Anthony Westbury, Chairman Charlie Hayek

Other: Holly Theuns (ABSTAIN)

Passed

b. **Certificate of Appropriateness 22-46 - Fence - 705 S. 8th Street**

The clerk introduced Certificate of Appropriateness 22-46 for the installation of a fence located at 419 N. 2nd Street.

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:

Ms. Theuns - no

Ms. Spivey - no

Ms. Starke - no

Ms. Westbury - yes

Ms. Anicito - no

Chairman 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.

Staff Presentation:

Ryan Altizer, Planner, provided an overview of the application. The applicant is requesting approval of a Certificate of Appropriateness for the installation of approximately 313 feet of a 6-foot-high white privacy vinyl/PVC fence with one 5-foot gate. The scale and character of a fence must be compatible with the neighboring houses and structures. The subject proposal seeks to install a six (6) foot high, white PVC fence which does not meet recommendations based on Secretary of Interior's Standard #9. The solid six (6) foot high white fence appears intrusive and not compatible with the surroundings. The height and mass of the fence and the white PVC material does not blend well with the moderately sized and multiple-colored neighboring residences.

Board questions for Staff: Ms. Theuns asked the type of neighboring fences. Mr. Hayek asked if a 6-foot fence is allowed per code.

Applicant Presentation: Lara Amyx, Owner, sworn, stated her neighbors have a chain link fence and a rotted wood fence. Mr. Amyx said she wants a privacy fence to prevent trespassing, and she is installing a pool. She said the entire side of the fence with the gate will be landscaped. Ms. Amyx said she can move the fence and gate closer to her home, but she does not want to lose a tree by doing so. Ms. Amyx noted that she is not putting the fence in front of her house, only on the side of her house. Ms. Amyx said per code a 4-foot fence is not allowed with a swimming pool.

Board questions for Applicant: Mr. Westbury asked if there is any room for compromise on the fence. Ms. Anicito asked if a removable fence could be put around the pool. Ms. Spivey asked if there were any pictures of the neighboring fences. Chairman Hayek asked why there was a 12-foot return on the front property line. Mr. Westbury asked how far the trees are from the house and if the fence will be in front or in back of the trees.

Public comment: Kurt Katz, Veterans Fence Contractor, sworn, stated that plastic last forever and is durable and flexible. He said wood only last for 15 years. Mr. Katz stated that a tree would have to be removed if the fence was flush against the house. Mr. Katz highlighted the UV treated vinyl fence has wind loads of 125-150 mph, is routed together with no screws 6 foot on center.

Kathryn Katz, Veterans Fence, sworn, said a vinyl fence is allowed by the city.

Staff final comments: Mr. Freeman explained to the applicant that the Board is requesting confirmation that the fence will align to the front elevation of the house, confirmation of the location of the trees and confirmation of the type of landscaping applied to the front of the fence.

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

Comments by the Board: Chairman Hayek stated the house is too beautiful to isolate with a 6-foot closed fence. Ms. Theuns stated that a solid fence has no visibility and can be a safety issue. Ms. Starke stated that she likes a wooden fence with an abutting hedge row over a pre-fabricated fence. Chairman Hayek said his preference is wood fencing. Ms. Anicito said more information is needed on landscaping and neighboring fences to make a decision.

Motion was made by Holly Theuns, and seconded by Anthony Westbury to continue Certificate of Appropriateness 22-46 to the next Historic Preservation Board meeting on October 24, 2022.

AYE: Holly Theuns, Minnie Spivey, Betty Jo Starke, Anthony Westbury, Andrea Anicito,
Chairman Charlie Hayek

Passed

6. NEW BUSINESS

- a. Administratively Approved Certificates of Appropriateness - August 2022

7. COMMENTS FROM THE PUBLIC

There were no comments from the public. The Board discussed receiving more information from the Certificate of Appropriateness 22-46 applicant to make a decision. Mr. Freeman noted that staff tries to anticipate what information is needed, but the items requested were specific from the Board. Ms. Theuns asked staff for the pool fencing code requirement.

8. CONSIDERATION OF ABSENCES

Ms. Theuns left the meeting before the Consideration of Absences; therefore she did not vote.

Motion was made by Andrea Anicito, and seconded by Minnie Spivey to approve the absence of Ms. Davis.

AYE: Minnie Spivey, Betty Jo Starke, Anthony Westbury, Andrea Anicito, Chairman Charlie Hayek

Passed

9. ADJOURNMENT

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 Thelms, hereby disclose that on 9/26, 20 22:

(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.

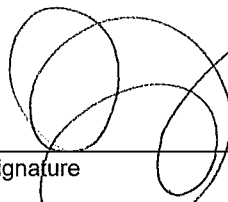
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am applying for a fence in my front yard!

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.

9/26/22

Date Filed



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.