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CITY OF FORT PIERCE
**HISTORIC PRESERVATION
BOARD**

Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE HISTORIC PRESERVATION BOARD HELD ON MONDAY, DECEMBER 5, 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**

Ms. Davis entered the meeting at 2:07 PM.

Present: Holly Theuns; KeAndrea Davis; Anthony Westbury; Betty Jo Starke; Andrea Anicito; Minnie Spivey; Charlie Hayek, Chairman

Staff Present: Kev Freeman, Planning Director
Sara Hedges, Assistant City Attorney
Maria Lewicka, Historic Preservation Planner
Alicia Rosenthal, Planning and Development Organizer

4. **APPROVAL OF MINUTES**

- a. Minutes from the October 24, 2022 meeting

Motion was made by Holly Theuns, and seconded by Betty Jo Starke to approve the minutes from the October 24, 2022 meeting.

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

Passed

5. **PUBLIC HEARINGS**

a. **Certificate of Appropriateness #22-60 - Renovations and Additions - 219 N. 2nd Street**

The clerk introduced Certificate of Appropriateness 22-60 for renovations and additions at 219 N. 2nd Street.

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. Westbury - no
Ms. Starke - no
Ms. Anicito - no
Ms. Spivey - no
Ms. Theuns - no
Ms. Davis - 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:

Maria Lewicka, Historic Preservation Planner, said the applicant is requesting approval of a Certificate of Appropriateness for renovations and modifications to a historic residence previously converted to a four-unit building, to convert it into a vacation rental duplex. The exterior work includes in-fill of a couple of doors and converting a window to a new entry door. The proposed modifications also include construction of a rear balcony previously approved. The subject structure is located within the Downtown Historic District which consists of a variety of commercial, government, religious and residential uses with various architectural styles and diverse materials and colors. The proposed changes compose well with the design of the existing building. The proposed improvements will enhance the property's overall appearance and contribution to the character of the Downtown Historic District, as well as building functional efficiency. The proposed modifications are consistent with the Secretary of Interior Standards 5 and 9 and staff has no objection to the approval of

the proposal as submitted.

Board questions for Staff: none

Applicant Presentation: Brad Pautsch, owner, sworn, stated he is investing into the home to bring it up to code and make it more efficient. Mr. Pautsch noted he is also making the home into a rental property, for when his family cannot come up and stay.

Board questions for Applicant: Ms Theuns asked how the property will be managed. Ms. Starke asked the type of wood being used for the renovations.

Public comment: Mike Menard, sworn, stated he drew the plans for the applicant and the improvements are a minor historical impact, which consist of a front balcony, extension of a front porch and adding a door. Mr. Menard said the front elevation will be brought back to its original state.

Staff final comments: None

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

Comments by the Board: None

Motion was made by Holly Theuns, and seconded by KeAndrea Davis to approve Certificate of Appropriateness 22-60 for renovations and additions at 219 N. 2nd Street.

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

Passed

b. Certificate of Appropriateness #22-62 - Demolition - 505 N. 6th Street

The clerk introduced Certificate of Appropriateness 22-62 for a demolition located at 505 N. 6th 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. Starke - no

Ms. Anicito - no

Ms. Spivey - no

Ms. Theuns - no

Ms. Davis - no

Ms. Westbury - 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:

Maria Lewicka, Historic Preservation Planner, said the applicant is requesting Certificate of Appropriateness approval for the demolition of the damaged and deteriorated wooden bungalow structure. Ms. Lewicka showed pictures of the interior and exterior damage to the structure. The building proposed for demolition is in very poor condition. It was heavily damaged by a fire in November 2019, declared as unsafe by the building inspector, and left to deteriorate for an extended period of time. While reconstruction of the building is possible, it would be at considerable expense. The application meets the criteria for demolition of a structure within a designated historic district.

Board questions for Staff: Ms. Theuns asked if the front facade is worth saving. Chairman Hayek asked if the applicant has showed willingness to get the demolition and build a new structure. Ms. Lewicka stated the applicant is currently working with the grants department to receive money to help rebuild the house.

Applicant Presentation: Barbara Nowell, sworn, said she hopes to get assistance to help rebuild the house.

Board questions for Applicant: Ms. Starke asked Ms. Nowell what she plans to do. Ms. Anicito asked the timeline for demolition and rebuild. Ms. Theuns asked if the grant will cover 100% of the cost.

Public comment: John Rodger, Applicant Representative, sworn, stated he will be working with the owner. Tyneta Daniels, sworn, stated the portion of the rebuild that the grant does not cover, will be financed.

Staff final comments: None

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

Comments by the Board: Ms. Starke said the longer the applicant waits the higher the cost will be. She suggested a time frame for getting the grant, so the applicant can afford to rebuild. Ms. Theuns stated the structure should be demolished because it is unsafe, and can have rodents. Chairman Hayek suggested the applicant contact Mike Menard for a prototype home.

Motion was made by Holly Theuns, and seconded by Minnie Spivey to approve Certificate of Appropriateness 22-62 for a demolition at 505 N. 6th Street.

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

Passed

6. NEW BUSINESS

a. Discussion and Deliberation - Proposed Text Amendment - Edgartown Settlement Zoning District

The Chairman asked the Board to provide their suggestions, ideas and feelings on the proposed text amendment that will be going back to the Planning Board.

Ms. Hedges stated the City Attorney's office will not be advocating for any position during the discussion.

Mr. Freeman explained that the text amendment started as a zoning amendment and there was a request to look at the noise between the residential and commercial activities. He said the original text amendment needed some re-organization and moving around. He added that the Planning Board made the determination for the Historic Preservation Board to hear what was proposed before sending a recommendation to City Commission. Mr. Freeman highlighted that nothing is hard based, and the city is looking for input from the Board, community and citizens in the area. Mr. Freeman stated the text amendment may go to Conference Agenda before going back to the Planning Board.

Mr. Freeman showed a "Living Local" video highlighting Edgartown's old Florida charm.

Ms. Theuns asked Mr. Freeman to clarify the Edgartown Zoning district compared to the 43 lots in the Edgartown Settlement district.

Mr. Freeman said the code is designed for a small area and the purpose is to keep as much history as possible on those lots. Mr. Freeman stated the ordinance needs re-organization and definitions regarding acoustic terminology for indoor and outdoor entertainment. He said that staff is looking to change how the noise and hours of operation are used and restricted. Mr. Freeman highlighted that staff does not have a set position on the text amendment and staff is looking for direction from the community that is fair and rationale and works.

Ms. Theuns stated she has been a resident of Edgartown since 2012, and she renovated a 1912 house based on the Edgartown Text Amendment. Ms. Theuns noted that the acoustic ordinance was in place when she purchased and renovated her home. She said 40% of the homes in Edgartown are over 100 years old, and the district was designed to have primary residential with compatible commercial uses. She said the current 60 decibel sound level does not work. She noted that the police departments equipment is the only acceptable way to measure the decibel sound, and it is currently not available.

Ms. Starke suggested that the residences and business come to terms to make everyone happy. She said people come from Port St. Lucie to Pierced Cider Works and the business has put forth a lot of effort to make it a draw to Fort Pierce.

Chairman Hayek stated he was part of a 2007 Edgartown stakeholder committee that decided that businesses would have the money to pay for the renovations to restore historical homes. He said when Saifish Brewery was located in Edgartown, they played music all the time. Chairman Hayek said amplified music draws people to downtown. Both Mainstreet and the Jazz and Blues festival are being affected by not being able to have amplified sound.

Ms. Anicito suggested to look at the code and decide what type of businesses they want.

Ms. Theuns noted the downtown entertainment district is on either side of Edgartown.

Will Goulet, Pierced Cider Works employee, stated the change in playing amplified music effects his life personally. He said since April 7, 2022, compared to a year ago, the business has taken in 30% less revenue. He said the music issue has become personal. He highlighted that words like acoustic and compatibility are subject to interpretation and clearly defined regulations are needed.

Tim O'Connell, neighbor across the street from Pierced Cider Works, read the code and emphasized small scale, compatibility and excessive noise. He said the owner of Pierced Cider Works wants to have ticketed concert events and Mr. O'Connell stated he wants the

code to stay as it is.

Chairman Hayek said the code needs to be consistent with the whole area instead of coming down to one business.

Ms. Theuns said the pandemic changed Pierced Cider Works position on the property, and they took advantage of the situation by changing their business plan.

Ms. Starke suggested acoustic music until 9 PM and bigger events on the weekends. She said the city is growing and there is constant noise from the stepped up trains on the railroad track, and sirens on US Highway 1. She said 100 years later the businesses and residences need to meet in the middle.

Mr. Westbury ask what the police department has done and if the sound has been measured.

Mr. Freeman said he understood that the police department has been to Pierced Cider Works and supposing if they measure the sound, and it is below the level, they will leave.

Ms. Theuns said she asked the police to measure the sound with the decibel reader, and she was told the equipment is being repaired.

Mr. Freeman stated he will have a liaison with the police chief to find out what is going on.

Cindy O'Connell, neighbor across the street from Pierced Cider Works, said the noise issue has been going on for a long time. She said she likes the acoustic music but not the ticketed concerts that started during the pandemic. She stated she would be happy if the current ordinance is followed.

Jon Nolli, owner of Pierced Cider Works, stated there should be a decibel level for a fair playing field. He said he would invest in modern technology that will narrow the sound into a particular area, but it has to be measured by a decibel meter. Mr. Nolli said there is a problem with the code because if a person is playing live music it cannot go into any device without amplification. He noted that residences can have open amplified live music but a business cannot. Mr. Nolli said three years ago everyone decided there should be a decibel level. He said they finally got a definition from the city on acoustic music. Mr. Nolli said the issue is the source of the music.

Lainey Williams, attorney, on behalf of the Edgartwon neighborhood, stated she is advocating for the current ordinance to stay in place. She said no one is saying no music, only the level of the music, acoustic vs. amplified is being questioned. She suggested to change bars and brewpubs from permitted to conditional use, and they need to be compatible with the neighborhood. Ms. Williams stated the 60 decibel level is too high for a residential neighborhood.

Ms. Starke said the existing businesses should be grandfathered in and not require a Conditional Use. The music should not be called amplified, instead it should be called light vs. concert or have gradient levels of amplification. She noted that when Kings Landing comes to downtown the quietness will go away.

Chairman Hayek stated the public does not know what 60 decibel level sounds like. He asked staff to quantify with a demonstration.

Ms. Anicito researched 60 decibel sounds and she found from the department of Audiology that is compared to the sound of a dishwasher and normal conversation. She said 70 decibels is the sound of a vacuum cleaner. She stated the city code needs to have a clear direction on

what is allowed and what is not allowed.

- b. Administratively Approved Certificates of Appropriateness - October 2022
- c. Administratively Approved Certificates of Appropriateness - November 2022

7. COMMENTS FROM THE PUBLIC

There were no comments from the public.

8. CONSIDERATION OF ABSENCES

All members were in attendance.

9. ADJOURNMENT