

# 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, FEBRUARY 27, 2023, 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; KeAndrea Davis; Andrea Anicito; Minnie Spivey; Betty Jo Starke; Charlie Hayek, Chairman

Absent: Anthony Westbury

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

4. **APPROVAL OF MINUTES**

- a. Minutes from the January 23, 2023 meeting

Motion was made by Andrea Anicito, and seconded by Betty Jo Starke to approve the minutes from the January 23, 2023 meeting.

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

Passed

5. **PUBLIC HEARINGS**

a. **Certificate of Appropriateness #23-05 - Fence - 601 N. 7th Street**

The clerk introduced Certificate of Appropriateness 23-05 for a fence located at 601 N. 7th 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. Anicito - no  
Ms. Spivey - no  
Ms. Starke - no  
Ms. Theuns - no  
Ms. Davis - no  
Chairman Hayek - no

Chairman Hayek opened the public hearing and explained to the Board that the applicant will not be in attendance.

The clerk was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Ms. Lewicka was asked to stand, raise her 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, stated the one-story commercial building is a non-contributing structure in the Lincoln Park Historic District that was constructed in 1958. The property is zoned General Commercial, C-3. The applicant is requesting approval of a Certificate of Appropriateness to allow for the installation of a new 6-foot-high black Dura Fence on the right side of the building to separate the business from the neighboring residence, installation of a 6-foot-high and 118 feet long black aluminum rail fence along the front and the left side of the building and installation of three (3) gates, consisting of two (2) walk gates that are 4 foot x 6 foot and one (1) 12 foot x 6 foot rolling gate for the driveway. Ms. Lewicka noted the parcel is the only commercial property on the street and the property on the north side of the subject property has loose dogs, overflowing trash cans and debris lying around the house. Ms. Lewicka said the aluminum rail fence may be an enhancement compared to the chain link fences in the area, but the solid six (6) foot black Dura fence appears intrusive and not compatible with the surroundings; The black solid material does not

blend well with the light colors of the neighboring buildings and walls. Ms. Lewicka stated she spoke with the applicant, and the applicant is open to change the color and material of the fence. She also plans to put landscaping along the fence and potted plants along 7th Street for a softer look.

Board questions for Staff: Ms. Theuns asked if the 6-foot fence at the daycare across the street was recently permitted. Mr. Hayek asked why landscape cannot be planted on 7th Street.

Applicant Presentation: none

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: Board discussion ensued on solid fencing boxing in the property and a safety concern for the neighbors not being able to see when turning out of their property. The Board suggested the applicant contact Code Enforcement to get the neighbors to clean up their yard. Unanimously, the Board preferred the rail fencing with landscape and to use landscaping as a barrier for the neighbor to the north.

Motion was made by KeAndrea Davis, and seconded by Minnie Spivey to approve Certificate of Appropriateness 23-05 at 601 N. 7th Street, for the installation of a 6-foot high aluminum fence screened by landscaping, where possible.

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

Passed

## 6. NEW BUSINESS

a. Administratively Approved Certificates of Appropriateness - January 2023

b. **Sunshine Presentation**

Sara Hedges, Assistant City Attorney, gave a presentation to the Board on Florida's open government laws, which included the Sunshine Law, Florida's Public Records Act and Voting Conflicts of Interest. Ms. Hedges explained who the law applies to and types of gathering and communications that constitute a meeting. Ms. Hedges also spoke about the policies governing opportunity of the public to be heard at public meetings. Ms. Hedges noted the prohibited restrictions on meetings and the consequences of violating the Sunshine Law. Ms. Hedges highlighted the seriousness of the Sunshine Law, and she said the key is to avoid accidental meetings.

After the Sunshine discussion Ms. Hedges spoke about public records. She stated the definition is extremely broad. Ms. Hedges explained personal communications, retention, requests, and penalties for noncompliance. She said that notes taken during the meeting become public record.

Ms. Hedges finished with an explanation of voting conflicts of interest. She said a Board member cannot abstain from voting because they don't want to vote. Ms. Hedges said a conflict of interest is a private gain or loss. Ms. Hedges stated the best practice is to disclose the conflict of interest prior to the meeting, fill out the form and remove yourself from the room during the agenda item.

Ms. Hedges encouraged the Board members to call the City Attorney's office or the Commission on Ethics with any questions or issues.

**7. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**8. CONSIDERATION OF ABSENCES**

Motion was made by Holly Theuns, and seconded by Minnie Spivey to allow Mr. Westbury to explain his absence at the next meeting.

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

Passed

**9. ADJOURNMENT**