



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

5:00 p.m.
October 14, 2015
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. The Chairman called the meeting to order at 5:00 p.m.

Present: Chair Bill Segal, Vice-Chair Phil Wood, Rebecca Talbert, Laura Armstrong, Candace Chemtob, Genean McKinnon and Louise Sprimont Absent: Phil Kean. Also Present: Deputy City Attorney Dan Langley. Staff: Planning & Community Development Director Dori Stone, Senior Planner Lindsey Hayes, and Recording Secretary Lisa Smith.

2. Approval of Minutes.

No action was taken on minutes at today's meeting.

Public Comments on items not appearing on the agenda

No one wished to address the Board under this item. A request was made to take public comment after the staff presentation has been made. Chairman Segal honored that request.

Action Items:

Chairman Segal opened the meeting stating that the purpose of today's meeting is to review and make recommendations on amendments to the Historic Preservation Ordinance to the City Commission. He turned the meeting over to Director Dori Stone to provide an overview of the proposed amendments. Director Stone introduced the Deputy City Attorney Dan Langley with the Fishback, Dominic Law Firm to the Board members.

1. Review and accept draft revisions to Chapter 58, Article VIII, "Historic Preservation", for recommendation to the City Commission.

Director Stone reviewed changes to the proposed ordinance. She stated that greater detail has been added to the objective of the ordinance; increased and refined the definitions and terms; and are recommending specific changes to the following topic areas: recommendation of new members, clarification of who can designate a resource; new requirements for district designation (i.e.: increased notice and voting requirements); clarification of the variance and exception process; and new language for demolition requirements. She noted that the historic preservation amendments will go to the city Commission at the November 8th meeting.

Laura Armstrong requested a response to the email received from Mr. Sullivan with regard to demolition and the uses of the words minimums versus maximums. Director Stone responded that she is aware of the email and has spoken with Mr. Sullivan prior to him sending the email. She relayed that she preferred to have the Historic Preservation Commission

discussion at today's meeting with Board members. Dan Langley reviewed the provision of the code that relates to questions raised in the email. He said that the language can be removed from the ordinance, but it was staff's wish to address this issue with the Board. He and Director Stone responded to Board member questions and concerns.

At Ms. Talbert's request Director Stone provided an explanation of the thought process that went into the recent letter mailed out from the City's Planning Department to owners of properties recorded in the Florida Master Site File. She responded to questions received from members of the audience.

The Chairman opened the meeting to receive public comments.

Jack Lane, 1200 Lakeview Drive, stated that he lives near the Virginia Heights Historic District. He spoke concerning his experience going thru the current district designation process.

Linda Erikson, 535 North Interlachen Avenue, agreed with the comments made by Dr. Lane. She stated that she feels that it is critical to save the remaining historic homes in the community and supports more regulations that encourage historic preservation. She complimented the efforts of the citizen's committee.

Bill Sullivan, 1362 Richmond Road, complimented the Board members for the time they have spent on the amendments and listening and responding to citizen concerns. He said that he would like to see more clean-up of the ordinance prior to going forward to City Commission on November 8th.

Robin Fawsett, 630 Palmer Avenue, read into the record a letter dated October 2nd addressed to the Mayor and City Commissioners. He supports the district voting requirements being 67%. He said that he feels that there are parts of the ordinance that are vague and unclear. He expressed opposition to the timing of the letter that was mailed out from the city and not getting to the affected citizens in time for today's meeting.

Frank Hamner, 405 Balmoral Road, represented the citizens' committee. He introduced the committee members that were present. He gave insight into how the Citizen's Committee was formed and the thought process that went into the suggested changes they offered.

Leon Huffman, 1128 Oxford Road, spoke in opposition to the rules for district creation.

Gordon Blich, 695 French Avenue, stated that he lives in the College Quarter Historic District. He spoke in support of district creation. Mr. Blich said that he does not feel that being in a district has hurt his property values.

Nancy Shutts, 2010 Brandywine Drive, wanted to know how potential buyers will be notified that a home they are interested in buying is a part of a district. She also requested clarification on the new demolition requirements and who will be given authority to sign-off on demolition permits.

Ms. Adair, 1234 Lakeview Avenue, requested clarification on the process of relocating of a historic home.

Pitt Warner, 871 Virginia Drive, spoke in opposition to the proposed ordinance amendments. Mr. Warner stated that he believes it takes from private property owner rights, that district designation is not good for property values; and he was opposed to establishing waiting periods for the demolition process.

John Cascio, 858 Golfview Terrace, spoke in opposition to the district voting criteria. He said that he feels that the threshold number should remain at 67%.

Lance Walker, 817 Golfview Terrace, agreed with Mr. Cascio. He spoke in opposition to changing the voting criteria from 67%.

No one else wished to speak. Public comments closed.

Mr. Wood feels there is a need for historic preservation in the City, but also for compromise. He opposed the proposed district voting percentage of 58% would prefer to see it at 66.7% or 67%. He stated that he has very strong concerns with regard to Section 58-500, Violations, specifically criminal prosecution. He opposed the new demolition language. He said that he feels that 90 days is too long. He said that the Board should look at establishing a shorter time period and making the process more clear and concise. In addition, he feels that there is a lot of public misunderstanding with regard to the proposed language for demolition. He also stated that he opposed the CLG language. He feels that it is a burden on the city to have to comply with that State of Florida standard.

Mrs. Chemtob thanked the public for input received at both forums and today's meeting. She said that she understood the "tug of war" between property rights versus preservation and heard the arguments on both sides. She attempted to clear up misconceptions with regard to the citizen committee input. She expressed to those in the audience that the Board did have several discussions with the representatives of the citizen committee, but stated that all decisions that have been made were made by the HPB without input from outside entities. She spoke concerning the positives of historic preservation.

Mrs. Sprimont attempted to clear up misconceptions with regard to the proposed demolition process.

Mr. Segal said that he is comfortable sending the proposed ordinance forward as written. He said that he feels that what the Board is sending forward represents a good compromise.

Mrs. McKinnon agreed with the comments made by Mrs. Chemtob. She too appreciated the turnout and comments received at both forums. She expressed concerned with the amount of community opposition regarding the district voting percentage. She stated that she is concerned that an overlay is being created with regard to the homes on Florida Master Site File list when it comes to demolition. She stated that she feels that the extra waiting period for these homes creates confusion and does not see that it helps historic preservation. She also expressed concern, there are no incentives going forward to city commission as a part of this recommendation.

Mrs. Armstrong said that the process feels forced to her, and that those most affected by the changes are not ready for this to be finalized.

The Board revisited and entered into a lengthy discussion concerning Mr. Sullivan's email regarding the use of the words maximum and minimum on page 18 of the ordinance. Mr. Langley said that the concerns he raised can be accomplished by doing some wordsmithing of the current language. He read the revised language into the record.

Consensus of the Board was to approve the revised language proposed by the City Attorney. Motion made by Ms. Talbert to make an amendment on page 19, subsection #5. She proposed to remove the entire section #5. She said that she feels that the language is confusing and that it is not necessary to restate and that applicants should wait the full consideration period. Mrs. Stone clarified that this language is for historic houses that are not in a district. The motion died for lack of a second.

Mr. Langley stated that in response to a comment made by a member of the public, it may be helpful to clarify the language for Review Requirements on page 12, Section 58-468. He explained that the modified language is to ensure that it is clear that this is only referring to exterior modifications. He suggested adding a sentence that clarifies that this process does not relate to interior modifications that do not affect exterior of the structure.

Mr. Wood requested to revisit Sec. 58-500, Violations. Mrs. Stone pointed out that particular section is original language that has been in the ordinance since 2006. Mr. Wood stated that he is alarmed by the wording specifically, 58-500 (a), Criminal Prosecution. Mr. Langley explained that generally speaking, the city may impose a penalty for violating any city code. He said that the language does not only apply to historic preservation. He said that it does not have an enforcement mechanism. Mr. Langley gave the Board an extensive review of the violations section and offered proposed language that provided clarity. Consensus of the board was to accept the revised language.

The Chairman recessed the meeting at 7:10 p.m., and reconvened the meeting at 7:15 p.m.

At Mrs. McKinnon's request, the Board revisited the issue of how district ballots should be counted. Mrs. Stone explained that she envisions this process as one similar to the City's RFP process where the ballots would go to the City Clerk and are opened and counted on date and time certain. She said that will address the functionality of how the ballots are handled when they come into the city. The Board members were agreeable Director Stone's proposal.

Motion made by Mr. Segal, seconded by Mrs. Chemtob to move the amended Historic Preservation Ordinance as further amended at today's meeting, on to the City Commission. Motion carried with a 6-1 vote. Mrs. McKinnon voted against the motion.

Director Stone requested that the Board take action on the proposed resolution for the list of incentives. She explained that staff has been working with city management to draft a list of proposed incentives. She said that staff has worked hard to come up with a flexible list that offers both financial and non-financial incentives. In addition, staff will continue to develop mechanisms that will make the incentives work. She responded to board member questions and concerns.

Motion made by Ms. Talbert, seconded by Mrs. Sprimont to approve the resolution for proposed incentives offered by staff and move on to the City Commission. Motion carried unanimously with a 7-0 vote.

3. Adjournment. There was no further business. The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary