



**CITY OF ST. PETERSBURG  
COMMUNITY PLANNING & PRESERVATION COMMISSION  
PUBLIC HEARING**

**The Sunshine Center, Auditorium  
330 Fifth St. N.  
St. Petersburg, FL 33701**

**JULY 9, 2019  
TUESDAY  
2:00 PM**

*Approved as Written – August 13, 2019*

**MINUTES**

**Present:** Jeff Rogo, Chair  
Christopher “Chris” A. Burke, Vice Chair  
Keisha A. Bell  
Will Michaels  
Gwendolyn “Gwen” Reese  
Lisa Wannemacher, Alternate  
Sharon Winters, Alternate  
Thomas “Tom” Whiteman, Alternate

**Commissioners Absent:** Jeffery “Jeff” M. Wolf

**Staff Present:** Derek Kilborn, Manager, Urban Planning & Historic Preservation  
Laura Duvokot, Historic Preservationist II, Urban Planning & Historic Preservation  
Michael Dema, Assistant City Attorney  
Heather Judd, Assistant City Attorney  
Katherine Connell, Administrative Assistant, Planning & Development Services  
Iris Winn, Administrative Assistant, Development Review Services

The public hearing was called to order at 2:00 p.m., a quorum was present.

**I. OPENING REMARKS OF CHAIR**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE AND SWEARING IN OF WITNESSES**

**IV. MINUTES**

The minutes from the May 14, 2019 and June 11, 2019 meetings were approved by a consensus vote.

**V. PUBLIC COMMENT – None****VI. QUASI-JUDICIAL PUBLIC HEARINGS****A. City File 17-90200031 Contact Person: Derek Kilborn 893-7872**

**Request:** Extension of Certificate of Appropriateness (COA) originally approved on October 10, 2017 by the CPPC for the demolition of the single-family residence and detached garage located at 736 18<sup>th</sup> Ave. Northeast.

Commissioner Winters stepped away due to conflict.

**Staff Presentation**

Derek Kilborn gave a PowerPoint presentation based on the Staff Report.

**Applicant Presentation**

Applicant was represented by counsel, Donald Mastry, Esq.

**Registered Opponent**

William Cobb, registered Opponent gave a PowerPoint presentation.

**Public Hearing**

Mr. Arnold Cummings, in support of COA extension;  
Dr. Donna Jamieson, in support of COA extension;  
Mr. Merrill King, in support of COA extension;  
Mr. Richard McGinnis, in support of COA extension;  
Mr. Matthew Grecsek, opposes extension of COA;  
Ms. Elizabeth Schuh, in support of COA extension.

**Cross Examination**

By Administration:

Waived.

By Registered Opponent:

Waived.

By Applicant:

Waived.

**Rebuttal/Closing Remarks**

By Administration:

Derek Kilborn: I wanted to address one point that was discussed, I wanted to give some insight into City Staff's determination about the magnitude of the change that is proposed. In the CPPC review that was appealed to City Council and ultimately approved for reconstruction, there are conditions that refers to any other design changes not included as part of the COA review and approval shall require approval of the CPPC with the

exception of minor changes as deemed appropriate by Staff. What was proposed as evidenced here through illustrations was a change to window and door configurations. These are openings on the exterior wall of the building, under normal COA procedures, separate from this matter, openings in the exterior wall require public hearing review by the Commission. Many other changes that are required to the COA process are handled at the administrative level because they are considered minor. In the particular case working under this condition of approval from the new construction that was reviewed by the Commission and City Council, it clearly says any changes must come back to CPPC with the exception of minor changes as deemed appropriate by Staff. Because it was an opening in the exterior wall we deemed it to not be minor but in fact be major. It was not intimidation it was following what is normally prescribed for COAs generally. That is the only point I would like to address. You heard about FEMA rules, we can discuss that, I am not sure that it is relevant to this demolition request.

Commissioner Burke: The changing of the door and window that you cited, is that for a historic house and does it include new construction? Does that apply to new construction?

Derek Kilborn: In the case of a local historic district when someone is proposing window and door changes they are required to go through the COA process. Those applicants are required to come before the Commission for a public hearing review.

Laura Duvekot: For non-contributing properties, which is what the property would be, after construction is a Staff level review. In the instance of new construction within historic districts, one criteria that is evaluated is the rhythm and the spacing of the fenestration. The change of the alignment, the windows between the two floors, was what we considered to be a significant change from what was originally proposed, because they were no longer in alignment.

By Registered Opponent Dr. William Cobb: I would like to address a few things, I did originally support the demolition of this house. I based that on supposed facts that were presented to me by Mr. McGinniss, that the house was falling down and there was no way to improve it. In consideration of extension of COA, you must consider new facts put before you. I believe that there are several facts that are not only pertinent to that but also pertinent to the legality of the original issue of the COA for demolition. He must show that there is no beneficial use, it has been in continued beneficial use. If it was commercial property, he must show there is no viability of that property. If we look.

Note: Dr. Cobb's presentation would not load onto the laptop.

By Registered Opponent Dr. William Cobb: We lent our support as Mr. Gresck said, basically the entire neighborhood did based on representation that were given to us, as you did. I think it is critical that you understand the demo regulations, it does carve out an exemption, in fact there is a house that is being remodeled on our street now, that was over 1.5 million dollars that could not be added to as it is now if not for those FEMA regulations. There is also avenue for subsidized insurance if you need it. Mr. McGinniss has to show not only no beneficial use, clearly, he has the burden of proof of either that or no economic benefit. There is clear demand for historic buildings up to three houses across from his house have been sold since he has been there. Everyone of them has sold for between \$750,000.00 to over 1.5 million dollars. Each one has gone through significant improvement and renovation under historic guidelines. People are very willing to pay and take care of these houses. That is what the City regulation is about, you are supposed to protect historic buildings. There is no justification to take this down. You have to consider new facts, which I believe there are many and if you approve this extension, effectively with these new facts I believe if you are proving an extension of a COA that would not be lawful by City code.

By Applicant representative Mr. Mastry: We are here asking for an extension, your Staff has looked at the requirements in the code and has said we qualify for an extension. I do not care if everything those people said is true, it is not relevant. We are not here to argue the COA for demolition again. Staff has said we meet the requirements for an extension. Yes, I am pleading with you to grant the extension. I am not going to argue facts that are not relevant and yes, I may be speaking like a lawyer. The two gentlemen in the back, not one of the things they raise is relevant to granting an extension. They want to argue the demolition again and they have done that by filing a lawsuit. That is being done. It does not make sense to me that you passed a COA granting a right to demolish, subject to the new house being approved, you approve the new house, City Council approved the new house, they say that City Council and you did not follow the law and you want us to go forward and not have an extension, go forward, build a house that we may be told has to come down. That does not make sense, who is being harmed by giving an extension until the court rules? That is logic, that is not the emotion, that is logic. I urge you to grant the extension, thank you.

### Executive Session

Commissioner Reese: I have a question for legal, we are being asked today to grant an extension of something we have already approved. We have been told countless times today, what we must do and we have been told we must consider new information, do we have to consider new information in granting this extension?

Attorney Dema: the word “new” does not appear at all in the criteria for an extension. The subsection, there are six (6) criteria, five (5) of which are specific and a sixth one which is a general catch all, it is up for interpretation. What it does not include is the word “new”, I will read it for you.

Other facts considered relevant to consideration of an extension.

Commissioner Wannamacher: Quick question for legal, is it acceptable to approve an extension on a COA that has already expired?

Attorney Dema: The only requirement is that the extension request occurs prior to the expiration date. The request was made prior to the expiration date. Procedurally, the logistics of setting up that process are not, do not hurt the Applicant.

Commissioner Wannamacher: I wanted to be sure that the request was made prior to the expiration date.

Attorney Dema: They were in before April 10, 2019, they were in before that date.

Commissioner Wannemacher: I would like to comment on something else as well. As an architect, the first speaker and a few other speakers as well, are absolutely correct, the early stages of the design, concept drawings, design development drawings, a lot of documents and drawings that get submitted to our committee and to DRC are the very early stage drawings. As the design progresses and the owner starts to incur a lot of design costs, architectural engineering costs, it is very common in fact it is almost mandatory, designs change, they get tweaked, the interiors get modified a bit. For me what did not change, a window and door may be changed, what did not change was the items that concern us the most. The volume of the design, the two-story or one-story elements, the view from the street, those things did not change. In my opinion, yes it was a façade, but it was a minor change and I do understand why that happens. It is normal for that to happen as a design progress through the later stages of design. I just wanted to address that, however, we are still left with the fact

that the Applicant does not have a COA on the new design. Following the rules, they would have to bring back the new design back to our committee, get approval on that new design before they can get the COA before they can get their permits. I guess that is what will have to happen, meaning that, they are going to need to get an extension to get that through.

Commissioner Michaels: The difficult issue again before the Commission, we first heard about this when we had the request for demolition and I did vote to support that based upon the facts as we understood them that were presented to us. Perhaps we did not have all the information or some of the information was incorrect, but we made the best decision that we could. I do not think we can rehear that case today. The second time we heard about this case was when the new building was presented to us, the historic building to mesh, blend in with the other historic properties in the neighborhood. I voted against that because I thought that the building was out of scale with the other buildings in the neighborhood. The decision that was made by the Commission as a whole, backed up by the City Council, was to approve it. There are a lot of facts that have been asserted here today I think maybe the biggest fact that we had before us is that we have the lawsuit, which is something new. It seems to be reasonable for the Applicant to not proceed with building the new building given this lawsuit which is hanging over them. I do not think any of us would proceed to do that. I think the fair thing to do here is to grant an extension. I would support a six (6) month extension of the COA.

Commissioner Whiteman: I was going to go the opposite way and suggest two years from the date of the ruling and if it is appealed it is two years from the date of that ruling. I do not want to see this come back again.

Attorney Dema: I think the maximum you can do is two years from April 10, 2019, I do not see a whole lot of leeway here for conditioning it on future events and our code. In the interest of allowing the court to play out, I would hope that is enough time. They would still have 21 months.

Commissioner Michaels: I was picking up on Mr. Mastry's comment, I thought he mentioned six (6) to nine (9) months, if the Applicant was comfortable with that, it seems to me that would be appropriate.

Commissioner Wannamacher: I would not be comfortable with restricting the duration. There are too many unknowns. Permit process, they have to come back to us, the lawsuit, I would not be in favor of restricting the duration of the extension.

Commissioner Rogo: Commissioner Michaels, I expect if you wish to make that in the form of an amendment, we will see if it has a second.

Commissioner Michaels: I am not going to make a motion.

Commissioner Rogo: Any other comments or questions from the Commissioners? I would like to say this, I agree very much with what Commissioner Michaels, back in October of 2017 we made a decision based on the facts that were presented to us and we made the best possible decision this Commission could make. I understand we are quasi-judicial, but I do not feel we are necessarily a court of law. When someone makes an accusation that someone lied to us, I do not know where we can come up with enough information to determine the accuracy of that charge or that the facts that were given to us, whether or not they were true. I would be in support of what Mr. Mastry said, we maintain the status quo until the court rules and we do that by extending the COA for demolition for another two years. That is my thought. Would any other Commissioners like to comment before we go to vote? Thank you.

Commissioner Burke: I will make that motion, with approval of extension of Certificate of Appropriateness the

demolition of a contributing property to a local historic district.  
Commissioner Wannamacher: Second.

Commissioner Rogo: I assume our motion continues with the conditions that we placed on the original COA for demolition.

Attorney Dema: That is correct, nothing changes from that COA, all it does is extend the time out.

Commissioner Burke: Should I put two (2) years in there?

Attorney Dema: Yes, that would be helpful, you can state two (2) years.

Commissioner Burke: Two years.

Commissioner Wannamacher: I Second that.

Attorney Dema: We are interpreting that as April 10, 2021, is the new expiry date.

**MOTION:**                    *Commissioner Whiteman moved on approval of extension with original conditions  
Commissioner Wannemacher seconded*

**VOTE:**                    *YES – 7  
NO – 0*

*Motion passed by a vote of 7 to 0 with original Conditions.*

**B.            City File 17-90200039                    Contact Person: Derek Kilborn, 893-7872**

**Request:** Extension of a Certificate of Appropriateness (COA), originally Approved on November 7, 2017 by the CPPC for certain rehabilitation and alterations to a single-family residence, including, but not limited to repair of structural foundation/wall framing/surfaces, replacement of non-historic windows/doors, addition and restoration of balconies rear/side porch additions, and the addition of an accessible exterior elevator plus ramp at the rear yard.

**Staff Presentation**

Derek Kilborn gave a PowerPoint presentation based on the staff report.

**Owner/Applicant Presentation**

Owner, Tamir Ellis gave a PowerPoint presentation.

**Public Hearing**

None

**Cross Examination**

By Administration:  
Waived.

By Applicant:

Waived.

### **Rebuttal/Closing Remarks**

By Administration:

Waived.

By Applicant:

Waived.

### **Executive Session**

Commissioner Burke: I know Mr. Ellis did not feel he would ever need an extension and just cannot believe it is taking this long to get done. I am in the construction business, so I have heard that a number of times. Mr. Ellis just cannot imagine any reason why he would need more than the six (6) months he requested, to get this extension done. I do not mean to discourage Mr. Ellis but I think we might be shooting ourselves in the foot if we extend this by only six (6) months. There has never been any objection to this project there is no objection here today. I think we need to at least extend this for a year, at least administratively, so they do not have to deal with this again either.

Commissioner Rogo: Are there any limits that we run up against in extension?

Attorney Judd: This matter is the same as the last, a maximum of two (2) years and it would be counted from the original expiration date. It would run concurrently.

Commissioner Burke: I am going to suggest we just approve the extension for two (2) years, administratively.

Attorney Dema: There is nothing prejudicial to the City from that standpoint, given the fact that this project is in the stage that it is. It is clear that the work is going to be done. To get it through, there is no negative impact for going in the full two (2) years.

Commissioner Rogo: In all the verbiage I have, there is no designation of the time for the extension. Perhaps when we produce our final motion we can add a length of time or is that necessary? Will someone be knocking on their door in six (6) months or one (1) year?

Attorney Dema: I think if no time limit is stated, I would read the code to say it would default to two (2) years. You can envision a scenario where you might want to keep a property owner, construction, keep their feet to the fire, but if you are not worried about that at all, defaulting to the language in the code will leave you with just two (2) years.

Commissioner Rogo: I trust Mr. Ellis does not want that port-o-potty out in front of his house any longer than he has to. Commissioners it is certainly your decision as to what kind of motion you would like to make. Any other comments, questions or motion?

Commissioner Burke: I make a motion that we grant a two (2) year extension of the Certificate of Appropriateness approved on November 7, 2017, by the CPC for the subject property.

Commissioner Reese: I Second.

**MOTION:** *Commissioner Burke moved approval with original Staff conditions  
Commissioner Reese seconded*

**VOTE:** *YES – 7  
NO – 0*

*Motion passed by a vote of 7 to 0.*

**C. City File 19-90200019**

**Contact Person: Laura Duvekot, 892-5451**

**Request:** Certificate of Appropriateness for additions and alterations to 2232 Brevard Rd. Northeast, a non-contributing property to the Granada Terrace Local Historic District

Commissioner Wannemacher stepped away due to a conflict.

**Staff Presentation**

Laura Duvekot gave a PowerPoint presentation based on the Staff Report.

**Applicant Presentation:**

Christa Currea, on behalf of the owners.

**Owner Presentation**

Chanda E. Lawdermilk, Owner was present but did not give a presentation

**Public Hearing**

None

**Cross Examination**

By Administration:

Waived.

By Owner:

Waived

**Rebuttal/Closing Remarks**

By Owner:

Waived

**Executive Session**

Commissioner Winters: I will move that we approve the Certificate of Appropriateness for the addition and alterations to 2232 Brevard Rd. Northeast, a non-contributing structure.

Commissioner Bell: I Second.

**MOTION:** *Commissioner Winters moved on approval of Staff recommendation  
Commissioner Bell seconded*

**VOTE:** *YES – 7  
NO – 0*

*Motion passed by a 7 to 0 vote*

**D. City File 19-90200027 Contact Person: Laura Duvekot, 892-5451**

**Request:** Certificate of Appropriateness for the alteration of the Fannye Ayer Ponder Council House, a landmark individually listed in the St. Petersburg Register of Historic Places.

Commissioner Reese stepped away due to possible conflict.

### **Staff Presentation**

Laura Duvekot gave a PowerPoint presentation based on the Staff Report.

### **Applicant Presentation**

Thelma Bruce, President, spoke to the request and about the organization but did not give a presentation.

### **Public Hearing**

None

### **Cross Examination**

By Administration:

Waived.

By Owner:

Waived

### **Rebuttal/Closing Remarks**

By Owner:

Waived.

### **Executive Session**

Commissioner Michaels: I move approval of the Staff recommendation.

Commissioner Bell: I Second.

Commissioner Rogo: We have a motion and a second and I would like to say, again the significance, the purpose of the building, its history, the physical structure at all what is continuing on, the good work that is being done inside the Council House, thank you very much for that.

**MOTION:** *Commissioner Michaels moved on approval of the Staff recommendation  
Commissioner Bell seconded*

**VOTE:** *YES – 7  
NO – 0*

*Motion passed by a vote of 7 to 0.*

**E. City File 18-90200055 Contact Person: Laura Duvekot, 892-5451**

**Request:** Demolition of the Dr. Martin Luther King, Jr. Street South bridge over Booker Creek within the Roser Park Local Historic District.

### **Staff Presentation**

Laura Duvekot gave a PowerPoint presentation based on the Staff Report.

### **Applicant Presentation**

Brejesh Prayman, for the City of St. Petersburg was present to speak to the present bridge condition and answer questions from the Commission.

### **Public Hearing**

None

### **Cross Examination**

By Administration:

Waived.

By Applicant:

Waived.

### **Rebuttal/Closing Remarks**

By Administration:

Waived.

By Applicant:

Waived.

### **Executive Session**

Commissioner Michaels: I have a question for our attorneys, on page 5 where it mentions criteria number 4, reasonable beneficial use. My question is, can the Commission take into consideration the cost justification for replacing the bridge?

Attorney Dema: Yes, you may take that into consideration. This is one of the rare instances in land use and zoning decisions across both this board and the DRC where cost may be considered as the COA for demo

process.

Commissioner Michaels: Thank you, and one question for Staff, page 7, criteria number 4, which says the Commission shall deny the demolition of the Applicant if the Applicant fails to establish reasonable beneficial use or the lack of a reasonable return. There was no Staff assessment on that criteria, can you address that?

Laura Duvekot: I feel that the same issue is addressed elsewhere in the evaluation of the cost of replacement versus rehabilitation.

Commissioner Michaels: I move approval of the Staff recommendation.

Commissioner Winters: Did Staff ask that we act on the new construction before we act on the demolition?

Attorney Dema: No.

Commissioner Reese: I Second.

Commissioner Rogo: I would like to point out that there are conditions to our motion that I assume are included in the motion that Commissioner Michaels has made.

Commissioner Michaels: Yes.

Commissioner Rogo: Those conditions do deal with the approval of the plans for the replacement bridge before the demolition can begin.

**MOTION:**                    *Commissioner Michaels moved on approval of the Staff recommendation  
Commissioner Reese seconded*

**VOTE:**                    *YES – 7  
NO – 0*

*Motion passed by a vote of 7 to 0*

**F.            City File 19-90200029**

**Contact Person: Laura Duvekot, 892-5451**

**Request:** Construction of a new Dr. Martin Luther King, Jr. Street South bridge over Booker Creek within the Roser Park Local Historic District.

### **Staff Presentation**

Laura Duvekot gave a PowerPoint presentation based on the Staff Report.

### **Applicant Presentation**

Brejesh Prayman, for the City of St. Petersburg was present to speak to the proposed replacement bridge and answer questions from the Commission.

**Public Hearing**

None

**Cross Examination**

By Administration:

Waived.

By Applicant:

Waived

**Rebuttal/Closing Remarks**

By Administration:

Waived

By Applicant:

Waived

**Executive Session**

Commissioner Wannemacher: Do the shoulders serve as bicycle lanes? Or one of the shoulders.

Brejesh Prayman: Just south bound for now because it is one way.

Commissioner Wannemacher: Will there be dual bicycle lanes if in the future it becomes two-way?

Brejesh Prayman: That will be possible at a later time.

Commissioner Michaels: I do very much like the design of the bridge. I think it compliments the Roser Park Neighborhood very well, craftsman style elements, in particular and I like the railing. Was any consideration given to saving the existing light fixtures and incorporating them into the new bridge?

Brejesh Prayman: That is a comment that was raised in consideration during one of our meetings. We are changing to LED fixtures, so we get a higher output for safety but still maintains a historic look, so we could not save the existing fixtures.

Commissioner Rogo: I thought it was appropriate for the demolition of the existing bridge were those barriers. Which are ugly, will there be barriers to protect the sidewalks in the new bridge?

Brejesh Prayman: Right now, there are no barriers. There is a separate pedestrian sidewalk planned.

Commissioner Burke: I drive over three bridges going to my office everyday and they are just bridges. You could have just asked to build a plain old bridge. There really is a sense of place on that bridge now and I think the new design will maintain that sense of place. I compliment you on the job you are doing, thank you.

Brejesh Prayman: Full compliments go to the DOT Staff as well, they are behind me and did an excellent job.

**MOTION:** *Commissioner Michaels moved on approval of the Staff recommendation  
Commissioner Burke seconded*

*\*Original Motion includes changes presented by City Staff during the public hearing  
and included in the updated Staff Report*

**VOTE:** *YES – 7  
NO – 0*

*Motion passes by a vote of 7 to 0.*

## VII. PUBLIC HEARINGS

None

## VII. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

### 1. Preparation for joint meeting with City Council, August 8, 2:00 p.m.

Commissioner Rogo: Mr. Kilborn will guide our preparation for our meeting with City Council on August 8<sup>th</sup>. I believe the time is 9:00 a.m. to 12:00 pm, our Second Amended Agenda shows 2:00 p.m., I have 9:00 a.m. to noon.

Derek Kilborn: That is correct, 9:00 a.m. until noon. We will get that corrected in the record. What I prepared for you today, are some documents to preview what I expect to be the foundation for your discussion with City Council in August. As you know, there have been a several third-party applications filed recently in privately owned properties. In reaction to the sequence, City Council passed a resolution establishing a moratorium on third party applications pending the outcome of at least one discussion with this Commission about how to handle third party applications going forward. What we put together for you in the material today is simply a copy of the resolution that City Council reviewed and took action on in establishing the moratorium. The second document is a clip from the Historic and Archeological Preservation Overlay. Obviously that section for the City Code is much more extensive than what we have in the material here. I did try pulling out just those pieces that are directly related to third party applications, City Council emergency actions and the Potentially Eligible List. The Commission knows there has been a separate discussion about potentially eligible properties, I expect that as the third-party discussion moves forward it will be conjoined with the potentially eligible discussions, being that how those two work together is important. As you begin to think about next month and prepare for that meeting, I believe you should also think about the prior Potentially Eligible discussions. The fourth document is the most recent draft Staff Report that was presented to you in December of 2018; the Commission deferred final action. The Staff Report does provide a nice introduction to the Potentially Eligible portion for the discussion, it might be helpful to review that again.

Commissioner Rogo: Pardon me for the interruption but I do not have that portion of the packet.

Derek Kilborn: The fourth and final document that is in the packet is the list that we put together for City Council when they were considering the resolution itself to establish the moratorium. Our Staff went into the City records to compile this list of third-party applications. We are trying to represent for you in this document a complete list of all third-party applications in the history of the City's historic preservation program. Again, we are talking about local landmarks. You can see a number of these were third party, owner opposed that were

ultimately approved. Others are third party, owner opposed that were denied. We really have a representation of every scenario playing out here on this list. One thing that might be helpful to us as Staff, and an area where we can provide some assistance to the Commission members as we move forward from today and head into next month's meeting is if there is anything that you feel you need for that discussion whether it is a particular map or series of maps or a question you would like us to research ahead of time please let our office know. We will try to do that research for you and have that material ready. That wraps up my summary of my initial presentation to you and see if you have any immediate questions I can answer for you.

Commissioner Rogo: I have a few questions, the most basic for me is format. Is this a City Council meeting that we are being asked to come in and address? Is this truly a joint meeting where we will have two chairs and all of us sitting around?

Attorney Dema: It is a joint meeting of the City Council and the Community Planning & Preservations Commission.

Commissioner Rogo: Thank you, the City Staff will establish somewhat of an agenda for us to work from?

Attorney Dema: We will. I think that is indicative of the scope or the intended scope of this meeting which is focusing in on the third-party applications and how that interacts going forward with the Potentially Eligible List. They are inextricably linked because if third party applications were to go away, it then defangs a lot of the perceived negative impacts of being on the potentially eligible list. Having that conversation together is important but going much beyond that is not the intent of the meeting next month. It is not a meeting where we air our grievances with the historic preservation ordinance, it has to stay on the scope of the third-party applications/potentially eligible because that was the mounting tensions we heard from this committee the council and the community. Now is the time in Council's mind to talk and you have asked to speak about this in April, the time is nigh, and we were able to come up with the resolution and to get together and have that talk.

Commissioner Rogo: I appreciate that, is there any reason we could not discuss a specific project or application such as Doc Webb or the Holiday Motel, which are two of the most recent, which created a lot of the furor for these meetings.

Attorney Judd: Those are closed.

Attorney Dema: Those are closed, so to the extent that there is no ongoing litigation or an ongoing potential for an application to come back before a board and Doc Webb and Holiday those are closed in our opinion and fair game for an autopsy if you will discuss the implications of policies.

Commissioner Reese: Is it possible to filter these out a bit more? I would be very interested in knowing how many of these third-party applications came from an organization as opposed to an individual. We have seen a lot of organizations filing too, I would be interested.

Attorney Judd: Preserve the 'Burg as opposed to a neighbor?

Commissioner Reese: Yes.

Attorney Dema: We should be able to distill applicant name information even going back to the 80s, correct Derek?

Derek Kilborn: Correct. To the extent that we can, we will identify in the material there may be several that we cannot, and we will note that.

Commissioner Wannamacher: I unfortunately will not be able to attend the meeting. Is there any format for me to make commentary or written commentary ahead of time?

Attorney Dema: Yes, in short yes, you can prepare a statement. Our request is that it would be submitted at least a week out. Generally, when we have these committee meetings we would like to have an entire packet for distribution at least a week before hand. That will give everyone sufficient time to read the packet beforehand.

Commissioner Burke: Are we restricted from discussing this issue privately amongst each other?

Attorney Dema: Yes.

Attorney Judd: That would be, if it is two or more you are discussing the business of the Commission and any changes that we would have to the Ordinance that comes out of that meeting would the be approved here. Yes, it is very much a future issue. Which is why we are having the joint meeting and this meeting to prep and make sure everyone's questions are answered.

Attorney Dema: At this point it would be legislative in nature, it does not prevent you from speaking to an individual in the community.

Commissioner Burke: Understood, but not a City Council member or CPPC person.

Attorney Dema: Correct, in this case not a City Council member or a CPPC member, you will be considered a joint body for the purposes of this one meeting.

Commissioner Rogo: On the same lines of format and procedure, will there be public comments?

Attorney Dema: We are not having public comment given the sheer amount of folks we have sitting at the dais, we are allowing folks to submit comments or any type of written submittal, again, at least a week ahead of time, to be included in any packet distributed to the members of the joint committee.

Commissioner Michaels: A little piece of data that might be interesting to have is a list of City initiated landmarks. Some of the discussion that we have had about this is that one of the reasons for the third-party private organization access is because the City has not taken the initiative in the landmark designations.

Attorney Dema: I think that is part of the conversation. If the third-party process were to go away or to be diminished in some way, can the City fill that role and can we clarify the existing, we have emergency procedures that you can bring forward by petitioning Council and asking for some action that the City would initiate. Whether there should be some clarification or expansion of that process and that is all part of this discussion and is fair game.

Commissioner Michaels: I see that you do have that in here.

Commissioner Reese: Is this a comprehensive list, from 1986-2006?

Derek Kilborn: Yes.

Commissioner Rogo: If you do not mind, I would like to quickly review, how a property gets on to the potentially eligible list.

Derek Kilborn: Updates to the list are required to be certified by the Community Planning & Preservation Commission, generally speaking, what happens is City Staff would bring to you a property or list of properties for the Commissions consideration to be added. There would be a public hearing discussion.

Commissioner Rogo: How do those properties get selected, what research has gone into determine that the property should be brought to the Commission for consideration?

Derek Kilborn: There is not a detailed process prescribed in City Code for how different individuals in the community, whether it is a resident, property owner, City Staff, or other would bring forward a property for potentially eligible consideration. However, there have been actions taken to help inform our recommendations. When this issue was first brought up, we were looking at previously completed neighborhood surveys, which identify properties as eligible for designation at the time they were conducted. Since that time there have been several other actions taken, one for example was review of properties by modernist Bill Harvard. We also have a lot of extensive research that was brought to our attention regarding Cade Allen and his homes in the Allendale neighborhood because we had that extensive research we combined that as a collection for Cade Allen properties for the Commission to review. Finally, we had ongoing discussions with property owners in the Greater Pinellas Point area that were considering bringing forward an application to designate their Glenn Johnson designed homes as a multiple property listing. City Staff had comprehensive research on each of the properties and Mr. Johnson who designed them. In those discussions, City Staff had determined that this collection of properties would meet the criteria for landmark designation and if the property owners brought an application forward, Staff would make a finding and recommendation for approval. That is how we handled the ones that were presented to you in the 2018 report. There is no other process prescribed. That has been identified as one of the weaknesses that needed to be discussed and worked on.

Commissioner Rogo: It might be appropriate too to mention that in 2016 you had some public meetings where you invited the owners of these properties who are being considered for listing. They were made aware.

Derek Kilborn: That is correct the original discussion started in 2016 and began with a public information meeting. No final action was taken at that time. When it came back around again in 2018, we felt there was enough time in between that we needed to reset with a new public information meeting. We did that with a direct mail notice. The 2018 effort was an extension of the original actions that began in 2016.

Commissioner Rogo: Commissioners we are going to find that the big issue is do these people know they are living in a home that has historic significance. It might not be designated but it is on the list. The question we are really going to have to wrestle with, do they know.

Attorney Judd: That is part of the discussion that is also if we are going to go forward and keep the potentially eligible list or modify it, how do we make those kinds of markings. When people come into look at records at the City they see that when they go to look at records in Pinellas County they could see that. That is also part of what is possible with the notification.

Commissioner Winters: I have questions for Staff, is it true that a third-party nomination process is something that more cities have adopted than the potentially eligible list concept?

Derek Kilborn: We are researching that now. The State of Florida has a number of Certified Local Governments and we are compiling information for each of those CLGs to inquire what they are doing about third party applications: how are they handling them; who can initiate applications generally; and how they handling those questions of potentially eligible or determine eligible but not designated. There are several different forms that it could take, we are working on that research now and hope to present that as part of the materials for the August meeting.

Commissioner Winters: Thank you that is great, I want to separate the two topics, it is my observations of the conversations on the Commission, the potentially eligible list has been more fraught and more misunderstood and misconceptions, getting people riled about the potentially eligible list. I am very interested to see what other cities are doing there because you and I have talked about and encouraged Preserve the 'Burg to actually do a watch list where they have identified those buildings and they are watching them and there is not an official City thing going on here but you have a preservation group who is being proactive about these buildings and Preserve the 'Burg has not embraced the concept. I think potentially eligible is what we have to work with, but I do see it as a little more fraught because there is a lot of misunderstanding, it is not very clear about the way it works. The third-party nominations, I feel is critical for us to retain that and it is evident we got the buildings that have been protected because we have third party nominations. To me it is a very powerful case for Council to think deeply about any consideration of doing away with that. I think some experience from other cities would be good, I think the crux of the matter on the third party, and I have only been on the Commission for a couple of years now, people really being uncivil and rude, I think that is what has concerned many of us on the Commission. There just has not been diligence and respect shown to the owners that we would like to see, you can't legislate politeness but when I look at our code and the process that one has to go through, I think it is a very valid process in place, you have to jump through some hoops if you have an opposition. I just think the adversarial, I think Council takes pause with this too, I do not want to change something because we have some people being rude, I want us to find a way to work through it. I think we need to send some really strong messages and we try to and Council tries to do it, we could trash this because people cannot be civil and I am deeply concerned about that.

Commissioner Burke: Can you address what CLG communities are?

Derek Kilborn: Certified Local Government communities are governments certified because they have historic preservation programs with an authorized commission. I would like to address a point Commissioner Winters made, it really is an important one. There are two issues here and one of them is what is driving the meeting next month, which is third party applications to designate, particularly over owner objection. I am curious about potentially eligible because of the comment that Mr. Dema made that is a valid comment, in the past when we have had public discussions with the Commission or internal discussions among Staff, some of the different creative things that could be done with the potentially eligible list are challenged by the existence of the third party option. If there is not third party option, it does take a lot of the heat out of the opposition to the potentially eligible list which is why I expect the two of them to come together at the discussion next month. I want to be sure you are prepared for that and not caught by surprise. Obviously, the discussion is being driven by the third-party application over owner objection.

Attorney Judd: The potentially eligible list existence a lot of the properties that we have had issues with, some for individual designation and some for neighborhood designation, those sparked off by the thirty (30) day hold on the on a demolition for a certain property, that was usually the catalyst for something that spawns into a

third-party application or an application for a district. They are very linked, but we do recognize they are separate.

Commissioner Michaels: The weakness in the system is a lack of the thoughtful plan for the landmarking of important buildings in the City. What we have right now, there is a building various people think is important and all of a sudden it is being acquired or potentially demolished so there is a rush of third-party interest to try and save the building. If we could be more proactive and long range in our thinking and identify those properties that are most important to us, historically, then come up with a systematic approach that would include the owners and try a friendly persuasion, the Quaker approach, I think we could eliminate a lot of the friction we have right now in the community and we would accomplish a lot more.

Commission Rogo: I would respond to that with, isn't that why we have the potentially eligible list.

Commissioner Michaels: Yes, that would be the building blocks that we would use but none of that potentially eligible list, I think that you want to prioritize, we have 100 buildings here but the fifteen (15) that we would really give the most importance to in landmarking would be 1, 2, 3, 4.

Commissioner Winters: I think the important point about adding to the potentially eligible list is that we should be doing it every year, isn't that written down somewhere? It has not been happening so now we have a long list of properties that we would like to put on it. I think by stepping back, we have a list of ten (10) or fifteen (15) every year, but if we come in with a list of 115, that is going to be too much to handle. I think if we could really get back into the rigor of ten (10) or fifteen (15) a year, maybe one year it is the Howard properties and another year it is the Johnson properties, we take an incremental approach, I think it is easier to work with property owners when you are discussing ten (10) property owners as opposed to having hearings and you have a lot of people showing up, that could be a solution to just get back into the system.

Commissioner Michaels: The City initiated here doesn't have the owner opposed, I think it would be interesting to see where it was owner supported.

Commissioner Rogo: It is often something I have wrestled with as a Commissioner, we are judges when issues come before us, this to me is one of those few occasions where I feel I should be an advocate, an advocate for historic preservation. In our conversation with City Council, in an effort to present some ideas that might eliminate some of the friction. That is why I really welcome this opportunity to talk today to come up with some ideas to be prepared for arguments we are going to hear. We know the arguments we are going to hear, we have heard them hear. Any other thoughts or questions?

Commissioner Reese: Are we thinking that as we move into this that the Council is looking at doing away with, that was not my understanding. I am hearing, is that where they are coming from? They might want to abolish the third-party application process altogether?

Derek Kilborn: I think City Council wants to evaluate the question, but it is possible that elimination of third-party applications would be an outcome of that discussion. Now what would happen if there was a decision to do that, it would become an LDR text amendment and that LDR text amendment would have several steps along the way. Including Commission review and City Council review, both would have their own public hearings. There would be periods for public comment during those hearings as well.

Commissioner Reese: The City Council can always override us, in the end if it came to that we held our public meetings, they held theirs, in the end would not their vote override ours?

Attorney Dema: Yes, but it has been made clear many times by the Council that they do hold with great weight the Commission's analysis and vote. When they vote against a Commission, they tend to acknowledge or make findings to that fact on the dais. I think colloquially I can say, they take what you all say very seriously and respect your opinions, even if they do ultimately vote another way.

Attorney Judd: I think that is why we are doing the joint meeting, to start that from the beginning.

Commissioner Reese: One of my biggest concerns about the third-party application was very evident in the Doc Webb House and it was that a third-party application can be initiated without any communication with the home owner, that really was something that troubled me. There was no effort to communicate, I am really happy to sit down in a workshop and develop some processes that would hopefully eliminate the animosity in so much that we are seeing, and I think the homeowner has to be a high priority and in some instances that has not been the case. I do want to disclose that this date was open for me when it was chosen, I have now been accepted into a master class that entire week, however, I am making known to them that I would like to be excused the morning of the workshop, it is definitely that morning, it is 9:00 am, correct?

Derek Kilborn: We are going to confirm that for the Commission.

Commissioner Reese I will hold off on telling them, because this is important to me.

Derek Kilborn: It is calendared from 9:00 am until noon.

Commissioner Winters: One additional question for Staff, you have heard the Council conversation about this and you understand better what their concerns are, can you go into some detail, so we are informed about where they are at?

Attorney Dema: Actually, I think they are very similar to yours. They aligned over the course of some of these applications that we have said, but over months, the interest has seemed to align where the concerns regarding the third party applications particularly when an owner is only finding out about it after an application has actually been filed with the City and now they are in the process and they are learning about hearings and to the extent that you want to get the owner on board that is probably too late, when you are finding out that there is public hearing on my property. That type of concern was fundamental to both boards and is a spring board for this conversation. I think you all have had a much closer interaction with the potentially eligible list, which does not go to council. They are aware of it, they know it exists and they have heard things about it, but you all have been closer to that. I do not know if they are quite up to speed on the finer points on that, but I think you are all, again, pretty aligned with respect to third party applications and I see a lot of the same motivations in both.

Commissioner Rogo: One of the most troubling issues that arises is when that third-party application comes in and the owner finds himself downgrading his own property in order to win out in the debate we are having here over a COA to demolish or a designation consideration. It puts the owner in a very difficult spot and I know that is something that has troubled many of us and certainly City Council would feel the same I am sure. I am going to take Chair's privilege to bring up something that has been troubling me. Ever since January when you elected me as Chair I have felt that I have given short shrift to a guy who was in this position for a number of years, Bob Carter. I intend to notify him that this meeting is taking place, I am sure it is something that will interest him. I am not sure that he will be interested in coming but he has been someone that I have learned a lot from in my years on this committee. I came over from the planning side to the new merged CPPC, I hope

that we can some time in the future say thank you to Bob, stay in touch with him, let him know, how he led us through the years, it is something we are following up with in our discussions with City Council on August 8<sup>th</sup>.

Commissioner Michaels: I think that would be very appropriate, he has done a yeoman's service for the City and this Commission and I think some special recognition is called for. Are we still giving keys to the City? Bob and I are both in the Rotary Club, Bob is the President of the Rotary this year and has the pleasure of leading the club during its centennial festivities.

Commissioner Burke: If I could add something, I promise I will be brief, I wanted to publicly do what I did privately and thank Kate for keeping us well informed well in advance of these meetings, we have so much information ahead of time and I do appreciate that. Secondly, we have been down a member for quite some time and we were close to struggling with a quorum, so what is going on with that?

Derek Kilborn: We are working on that. Those appointments come from City Hall, so we are working on that now.

Commissioner Reese: Can people not express their interest? Does the Community know that there is a vacant seat? If people are interested and submit a resume or whatever else needs to be submitted in order to be considered by City Hall to fill the seat. I know so many people in the community have no idea of the open seat. There is no real way of knowing if there are open seats. Can you just go to the website?

Attorney Judd: Some boards have their vacancies advertised at the end of the City Council Agendas, if you scroll all the way to the end of the Agenda prior to the attachments, it will state open vacancies and it will have the boards and how many members and how long the terms are. I do not know if everyone submits to the Clerk's office to have board vacancies put on there but that is where they will be if they reported to the Clerk.

Commissioner Reese: Do we do that?

Derek Kilborn: Our Commission is not listed there, I have not seen it recently. Alternatively, anyone who is interested, or you know anyone who is interested please encourage them to submit for a future opening on the Commission. In this particular case, I have a folder with several individuals who submitted interest and once the opening happened we collected the information and sent that along for review. . .

Commissioner Burke: Hopefully this is a quick answer, the May meeting when we denied the COA for the metal roof, was that appealed.

Michael Dema: No.

Commissioner Burke: It was not appealed.

Commissioner Rogo: If one of us comes up with an idea, and Agenda item for consideration on August 8<sup>th</sup>, what is the process, should we send it to you?

Derek Kilborn: I think the most organized, way to do it, I see Kate smiling over there, is to remit your email to Kate's attention and then she will coordinate with Staff and we will get the material that you are asking for.

Attorney Judd: Just remember do not copy any other City Council members or Commission members when you have questions or comments. If there is something you want added to the Agenda, we can do that. When it

goes to everybody it will come out with the packet that goes on the website.

Commissioner Rogo: Any other questions or comments on the August 8<sup>th</sup> meeting?

Derek Kilborn: I will be quick, Commissioner Burke just spoke to this, I really want to put the exclamation on it, Kate has settled into her role. Now that we are fully staffed we are having an internal discussion about how to refine our intake and process of applications so that we can smooth this out a little bit. Some of the changes we are working on in terms of procedure that we will be adopting very shortly is to extend the amount of time by two weeks from application deadline to public hearing. That is going to be important, it will allow us to frontend a lot of the notification that is happening rather than that notification going out so tight to the public hearing. As the Commission knows, when notifications go out, close to the public hearing, public comments come back with a very short turnaround time to CPPC Members. Sometimes the final weekend right before the public hearing. We will never be able to fully stop that, we are hoping to better manage the public comments coming in, in a way that you are getting them sooner. We would like to make it less difficult on Staff and Kate trying to process everything and turn it back around to you. Kate has had a few recommendations regarding preliminary Agendas for your review so that you know what to expect. I think these things will be helpful to the Commission going forward, you will start to see those changes next month.

### **VIII. ADJOURN**

With no further items to come before the Commission, the public hearing was adjourned at 4:41 P.M.