



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

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

**OCTOBER 8, 2019
TUESDAY
2:00 PM**

MINUTES

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

Commissioners Absent: Christopher “Chris” A. Burke, Vice Chair
Jeffery “Jeff” M. Wolf

Staff Present: Derek Kilborn, Manager, Urban Planning & Historic Preservation
Laura Duvekot, Historic Preservationist II, Urban Planning & Historic Preservation
Kelly Perkins, Historic Preservationist II, Urban Planning & Historic Preservation
Michael Dema, Assistant City Attorney
Heather Judd, Assistant City Attorney
Katherine Connell, Administrative Assistant, Planning & Development Services

The public hearing was called to order at 2:01 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 September 10, 2019 meetings were approved by a consensus vote.

V. PUBLIC COMMENT – None

VI. QUASI-JUDICIAL PUBLIC HEARINGS**A. City File 19-90200038****Contact Person: Kelly Perkins, 892-5470**

Request: Review of a Certificate of Appropriateness for the construction of a single-family residence within the Granada Terrace Local Historic District, a local landmark district listed in the St. Petersburg Register of Historic Places.

Staff Presentation

Kelly Perkins gave a PowerPoint presentation based on the Staff Report.

Applicant Presentation

Applicant Sera Lavelle and Renker Eich Parks Architect, Sergio Desanto, spoke in support of the project

Registered Opponent

None.

Public Hearing

Lydia Ellis, 2296 Coffee Pot Blvd. NE, spoke in support of the request;
Martin Hoedholt, 330 3rd St. S. Unit 9191, spoke in support of the request;
Edward Montgomery, 730 7th Ave. N., spoke in support of the request;
Abigail McKelvy, 6401 31st St. S. Unit 412, spoke in support of the request;
Richard McGinnis, 2250 Central Ave., spoke in support of the request;
Arnold Cummings, 715 18th Ave NE, spoke in support of the request;
Julie Santamaria, 2300 Coffee Pot Blvd. NE, spoke in support of the request;
Amy Thomas, 2321 and 2405 Brevard Rd. NE, spoke in support of the request;
Elizabeth Schuh, 430 Roser Park Dr. S., spoke in support of the request.

*Commissioner Whiteman moved on approval of COA with Staff conditions
Commissioner Bell Seconded*

MOTION: *Approval of a Certificate of Appropriateness for the construction of a single-family residence within the Granada Terrace Local Historic District, a local landmark district listed in the St. Petersburg Register of Historic Places subject to Staff conditions.*

VOTE: *YES – 7 – Bell, Michaels, Reese, Rogo, Winters, Wannemacher, Whiteman
NO – 0 - None*

ACTION TAKEN: *Approval of a Certificate of Appropriateness for the construction of a single-family residence within the Granada Terrace Local Historic District, a local landmark district listed in the St. Petersburg Register of Historic Places subject to Staff conditions 1, 3, adding 4 and 2 can be approved by Staff.*

B. City File 19-90200039**Contact People: Laura Duvekot 892-5451**

Request: Review of a Certificate of Appropriateness for the relocation of Bay Gables, an individual local landmark individually listed in the St. Petersburg Register of Historic Places

Commissioner Wannemacher recused herself due to vicinity of Bay Gables
Applicant agreed to move forward with the request with a commission of six (6).

Staff Presentation

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

Applicant Presentation

R. Donald Mastry, Esq. and John Hobach, JMC Communities, Inc. spoke on behalf of Raysup, LLC. in support of the request.

Public Hearing

Lou Bouccino, 146 4th Ave. NE Unit 504, spoke in support of the request;
William Harrmann, 130 4th Ave N., spoke in support of the request;
Janet Arnold, 146 4th Ave NE, spoke in support of the request;
Brooks Matheson, 200 2nd Ave. S. Unit 790, spoke in support of the request;
Dick Greco, 146 4th Ave NE Unit 502, spoke in support of the request;
Sarah Ribeiro, 146 4th Ave NE Unit 600, spoke in support of the request;
Augie Ribeiro, 146 4th Ave NE Unit 600, spoke in support of the request;
Justin Hintz, 146 4th Ave. NE Unit 201, spoke in support of the request;
Justin Kimmick, 2803 W. Busch Blvd. Suite 101, spoke in support of the request;
Michael Cheezem, 2201 4th St. N., Suite 200, spoke in support of the request;
Craig Tamaszki, 1448 51st Ave. NS, spoke in support of the request;
Mike Brassaw, 802 Dartmoor St. N., spoke in support of the request;
Rui Farias. 4520 15th St. N., spoke in support of the request;
Emily Elwyn, on behalf of Preserve the 'Burg, 836 16th Ave NE, spoke in support of the request;
Julie Santamaria, 2300 Coffee Pot Blvd. NE, spoke in support of the request

*Commissioner Whiteman moved approval of the request with Staff conditions
Commissioner Michaels seconded*

MOTION: *Approval of a Certificate of Appropriateness for the relocation of Bay Gables, an individual local landmark individually listed in the St. Petersburg Register of Historic Places subject to the conditions in the Staff Report*

VOTE: *YES – 6 – Bell, Michaels, Reese, Rogo, Winters, Whiteman
NO – 0 - None*

ACTION TAKEN: *Approval of a Certificate of Appropriateness for the relocation of Bay Gables, an individual local landmark individually listed in the St. Petersburg Register of Historic Places subject to the conditions in the Staff Report*

*Commissioner Whiteman moved approval of the variance request.
Commissioner Michaels seconded*

MOTION: *Approval of requested building setback variances on page 11 of the Staff Report*

VOTE: *YES – 6 – Bell, Michaels, Reese, Rogo, Winters, Whiteman
NO – 0 - None*

ACTION TAKEN: *Approval of requested building setback variances on page 11 of the Staff Report*

C. City File 19-903200041

Contact People: Laura Duvekot 892-5451

Request: Review of a Certificate of Appropriateness for the alteration of the Studebaker Building, a landmark individually listed in the St. Petersburg Register of Historic Places

Staff Presentation

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

Applicant Presentation:

David Brett, Member of the St. Petersburg Downtown Partnership, the General Manager on behalf of the State of Florida under the use of the Federal Agency.

Dan Hosmer, FAS Windows & Doors who represents Anderson Windows, spoke in support of the request.

Cubby McMenemy, FAS Windows & Doors spoke in support of the request.

Registered Opponent

None.

Public Hearing

None.

*Commissioner Wannemacher moved on approval subject to Staff conditions
Commissioner Winters seconded*

MOTION: *Approval of a Certificate of Appropriateness for the alteration of the Studebaker Building subject to Staff condition listed in the Staff Report*

VOTE: *YES – 7 – Bell, Michaels, Reese, Rogo, Winters, Wannemacher, Whiteman
NO – 0*

ACTION TAKEN: *Approval of a Certificate of Appropriateness for the alteration of the Studebaker Building subject to Staff condition listed in the Staff Report*

D. City File 19-90200046**Contact Person: Kelly Perkins, 892-5470**

Request: Review of a Certificate of Appropriateness for the alteration (exterior modification and additions of a swimming pool and patio area) of a contributing property to the Granada Terrace Historic District

Staff Presentation

Kelly Perkins gave a PowerPoint presentation based on the Staff Report.

Applicant Presentation

Sean Roney, Roney Design and Pool, spoke in support of the application (construction)

Marina Townsend Oasis Pavers and Pools, spoke in support of the application (pool and spa construction)

Public Hearing

Ms. Sera Lavelle, 330 3rd St. S. Unit 919, spoke in support of the request;

Ms. Lynn Samardzich, 2284 Coffee Pot Blvd. NE, spoke in support of the request;

Mr. Eric Ellis, 2296 Coffee Pot Blvd. NE, spoke in support of the request;

Ms. Julie Santamaria, 2300 Coffee Pot Blvd. NE, spoke in support of the request;

Ms. Amy Thomas, 2321 & 2405 Brevard Rd., spoke in support of the request.

Commissioner Winters moved on approval subject to Staff conditions

Commissioner Whiteman seconded

MOTION:

Approval of a Certificate of Appropriateness for the alteration (exterior modification and additions of a swimming pool and patio area) of a contributing property to the Granada Terrace Historic District subject to Staff condition 1 not on condition 2. A. and 2. B.

VOTE:

YES – 7 – Bell, Michaels, Reese, Rogo, Winters, Wannemacher, Whiteman

NO – 0

ACTION TAKEN:

Approval of a Certificate of Appropriateness for the alteration (exterior modification and additions of a swimming pool and patio area) of a contributing property to the Granada Terrace Historic District subject to Staff condition 1. Condition 2. A. and 2. B were not approved.

E. City File 19-90200048**Contact People: Laura Duvekot 892-5451**

Request: Review of a Certificate of Appropriateness for the alteration of, and addition to, Grace Lutheran Church (19-90300007) a landmark individually listed in the St. Petersburg Register of Historic Places.

Staff Presentation

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

Applicant Presentation

Jason Sanchez, Developer/Contractor, spoke on behalf of the application

Public Hearing

Mr. Peter Belmont, 102 Fareham Place N., on behalf of Preserve the 'Burg, spoke in support of the request

*Commissioner Whiteman moved on approval subject to Staff conditions 2 through 4
Commissioner Bell seconded*

MOTION: *Approval of the Certificate of Appropriateness for the rehabilitation of Grace Lutheran Church subject to the Staff conditions 2, 3 and 4 and omitting condition 1.*

VOTE: *YES – 7 – Bell, Michaels, Reese, Rogo, Winters, Wannemacher, Whiteman
NO – 0*

MOTION TAKEN: *Approval of the Certificate of Appropriateness for the rehabilitation of Grace Lutheran Church subject to the Staff conditions 2, 3 and 4 and omitting condition 1.*

VII. PUBLIC HEARINGS

A. City File 19-9060003 Contact Person: Kelly Perkins, 892-5470

Request: Review of a Markers and Monuments application for a signage plan in the North Shore National Register Historic District and North Shore Section local historic districts.

Staff Presentation

Kelly Perkins gave a PowerPoint presentation based on the Staff Report.

Applicant Presentation

Robin L. Reed spoke on behalf of the Historic Old Northeast Neighborhood Association in support of the Application.

Public Hearing

None.

*Commissioner Michaels moved on approval of the Staff recommendation and conditions
Commissioner Bell seconded*

MOTION: *Approval of the application for a signage plan in the North Shore National Register Historic District and North Shore Section local historic districts subject to Staff conditions.*

VOTE: *YES – 6 – Bell, Michaels, Reese, Rogo, Wannemacher, Whiteman
NO – 0*

MOTION TAKEN: *Approval of the application for a signage plan in the North Shore National Register Historic District and North Shore Section local historic districts subject to Staff conditions.*

B. City File LDR-2019-07**Contact Person: Derek Kilborn, 893-7872**

Request: Proposed text amendments regulating third-party designation applications and establishing a new *Notice of Intent to File*, updates and clarification to existing procedures for initiating local historic districts; updating application procedures for a Certificate of Appropriateness (COA) and updating related definitions.

Staff Presentation

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

Derek Kilborn offered the Community Planning & Preservation Commission to present the DRC portion of the proposed text amendments.

Commission members questions of Staff:

Commissioner Rogo: Anyone on the Commission who wishes to discuss or see the DRC items? No, thank you Derek.

Commissioner Rogo: It would be my understanding that if we approved these changes today and Council does the same at their meeting, November 7th these changes would take effect when the moratorium ends.

Attorney Judd: When is the public hearing for this?

Derek Kilborn: November 7th is the public hearing.

Attorney Judd: The moratorium ends on the 11th, is that correct Derek?

Derek Kilborn: The moratorium ends on November 16th, initially it was going to be scheduled for City Council two days prior but the way that the schedule is working out it has been moved up to November 7th.

Commissioner Rogo: In essence any new third-party application would have to play under the new rules.

Derek Kilborn: That is correct.

Attorney Judd: For your information an ordinance typically takes effect five (5) days after the public hearing with City Council. That gap between the moratorium and the effective date of the ordinance is only a day or two.

Commissioner Rogo: Thank you, comments, questions?

Commissioner Michaels: I have both comments and questions, I will try to go through them quickly. One of the other aspects of this change that is being proposed is to increase notice time. I think that is also extremely important to the community and I appreciate that there have been efforts in here to do that. For example, revisions to a COA has a fifteen (15) day period, notice of COA has been increased from ten (10) to fifteen (15) days and the posted notice has been increased from ten (10) to fifteen (15) days. Those are all very positive steps, I think. There were some other areas though that I wondered why that same arrangement was not made. For example, on page 12, I am referring to the draft council resolution, the Public Participation Report is to be submitted in ten (10) days rather than fifteen (15) days before a hearing. On page 13, Notice of Intent to File to neighborhood association and businesses, you still have a ten (10) day period rather than a fifteen (15) and on

page 15, there are minor modifications addressed and the requirement was actually now, thirty (30) days and that has been changed to no more than ninety (90) days and no less than fifteen (15) days. The basic question here is why not be consistent and use the fifteen (15) day benchmark for these various provisions?

Attorney Judd: There are different reasons for each one of these, I will start with page 12 of the documentation. In the code currently the Public Participation Report is more of a suggestion, now we are making it a requirement. The reason why you see the fifteen (15) days, or the ten (10) days, we kept ten (10) because we want people to keep reaching out as close to the date as we can. The Public Participation Report is a form where they list all the steps they have taken. It is not a notice to the other people, they still have to do what they are required to do with the fifteen (15) days, but we are giving them up to ten (10) days to get as much as they can on that sheet. That sheet then is included with the report that goes to this Commission and the DRC. We see that as encouraging the applicants to keep going.

Commissioner Michaels: Some people may be hearing about whatever the issue is, nine (9) or ten (10) days before, but still that is, I understand what you are saying.

Attorney Judd: Everyone who is required to get notice will have already had the notice by the fifteen (15) days. If they go above and beyond, that is really what the public participation process is for, I went here, I went here, I went four blocks over and talked to these people who had a similar size yard, things like that. We want that to be available, but we want to give the most time to applicants to go out and do that.

The Notice of Intent to File, this is a shorter time frame because it is not a required mailing. It is just an email requirement we added the five (5) days to the other ones, because they were required mailing dates and we are finding, for whatever reason, that the mailings aren't as quick as they used to be. Instead of people getting them a week ahead of time, when we require ten (10) days, they are getting five (5), three (3), two (2) days ahead of time. For the Notice to the Neighborhood Association, we are now requiring that, but we are only requiring that to be in email or certified mail so that email is, obviously, it is instantaneous as soon as you send that so that ten (10) days before is, do you see what I am saying?

Commissioner Michaels: Notice of Intent to File, to the neighborhood associations, it would still seem to me, I am not understanding why the fifteen (15) day period is not applied there.

Attorney Judd: I think it was because for these, they also have the option to email.

Commissioner Michaels: Okay, if we address the email, I mean email is not verified.

Commissioner Wannemacher: Could we do read receipt?

Derek Kilborn: Maybe what I can do Dr. Michaels is walk you through quickly. I have two slides up on the screen that demonstrate the timing of when notifications are supposed to happen. Currently, when an application comes in, a copy is provided to the neighborhood or business association. What we are really trying to do is clean this up, codify it in a way that is real clear. The first step for an application that comes in, ten (10) days prior to the filing of the application they are required to send a copy of the application by email or standard mail to any neighborhood and business association, Council of Neighborhood Associations (CONA), which is the umbrella organization for all the neighborhoods, and an organization called FICO (Federation of Inner City Community Organization). After the initial submittal, what happens is ten (10) days later they are going to actually file their application with the City. Upon receipt of the application, City Staff will then send a copy of that application to the same list by email, that I just went over. The affected business and neighborhood

associations, CONA, FICO, those organization should get two copies of the application ten (10) days before and immediately when the application is filed. Then after that, you have the mail notification that normally would go out ahead of the public hearing, in that case you come to step three (3) on the board, notify fifteen (15) days prior to the public hearing. That is direct mail notice to registered property owners and again, the same organizations, those organizations are going to get three notices in this process. The public hearing, how our deadlines and public hearing dates are scheduled now, from the official submittal of the application, to the public hearing, I think is close to eight (8) weeks now. Those associations will be getting notices at the front end of an eight (8) week long process. I know that doesn't resolve some of the issues about ten (10) versus fifteen (15) days.

Attorney Judd: Specifically, on page 13, sorry Derek, the last sentence, anything dealing with historic districts or individual designations are specifically subject to those requirements. There has been some questions about, for example, they have the overlay but do they have to do the applications and procedures and for this, the stricter requirements of the overlay is what is going to control.

Commissioner Michaels: Thank you for that explanation, I think that does set it in context and shows me that this is a reasonable process and improvement. I did have two other questions, the first on page 8 item number 5, your deleting the previous, at the bottom of the page, it states: The application shall be either delivered or mailed by U.S. mail with a U.S. Postal Service Certificate of Mailing returned to the POD, and so forth. Why is that being deleted? Page 8 of the Resolution, item number 5, the wording is struck at the bottom.

Attorney Judd: I believe we address it, when we were dealing with this section they were speaking to the same type of notice, but one seemed permissive and one seemed voluntary, we got rid of some of those sections. I think you will see the mailing requirements for that addressed in another place. In an effort to get rid of inconsistencies, we deleted that language.

Commissioner Michaels: All right, but the requirement is still in the ordinance some place.

Attorney Judd: We have, right before that; all listed persons shall receive the notice fifteen (15) days mail, by U.S. Mail with a U.S. Postal Service Certificate of Mailing required of the City, if you look on page 7. If your one of the required folks, that is how you get your mail.

Derek Kilborn: Dr. Michaels, on that paragraph the bottom of page 8 number 5, the change that is happening there, City Staff is emailing it to the registered contact for that association. The primary contact is managed by the City's Community Services Department and that is updated regularly. They will be getting a copy of the application by email, in real time rather than having to wait a number of days for it to arrive in the standard mail. This has been a problem, as you have heard with PO Boxes, sometimes they are not checking those boxes regularly, with an email format they are going to get it as soon as City Staff sends it. It is also in a digital format that can be relayed forward to any members of the organization. We think that the email format for the notification at the beginning of the process is the most appropriate and efficient way to do it.

Attorney Judd: There are two different, what I read to you just now, we have written notice that is required to be given by the applicants and that is to FICO and CONA and neighborhood associations within 300 feet and the question you had about paragraph 5 as Derek just mentioned is what the POD (Person of Designation) has to do. It goes back to what Derek was speaking about on the screen, essentially the neighborhood associations are getting multiple notices from the applicant and from the City.

Commissioner Michaels: Okay, my last questions has to do with, page 13, this is 5B., that whole section was

deleted, what was the reason for that? In other words, this has to do with the Public Participation Report and there is verification here.

Attorney Judd: I believe since we are requiring the Public Participation Report be submitted now, that form is on a POD Form and these signatures are included. I think this was another case of repetitive, in the voluntary versus permissive land.

Commissioner Michaels: Okay, thank you I appreciate the time.

Commissioner Rogo: We have one card, Peter Belmont.

Applicant Presentation

None.

Public Hearing

Mr. Peter Belmont: Good evening again, Peter Belmont, 102 Fareham Place N. on behalf of Preserve the 'Burg. Sorry our suggested revision comments did not get out sooner, from my point of view, it is kind of one big one and one minor one. The big one is the matter Derek briefly raised which is what happens when a notice of intent to the property owner is sent to the property owner, which would be a minimum of thirty (30) days, before an application can be filed in terms of potential loss i.e. demolition of that property. I think what we are suggesting is to try and put us back in the status quo. What I mean by that is, today when an application for designation is filed a permit application for demolition can be submitted, it can be processed, it cannot be issued by the City, until the designation proceedings are complete. What we are suggesting is in a similar fashion, and the language that I have suggested essentially copies the existing ordinance language except it applies it to the Notice of Intent to File an application. When a Notice of Intent goes out again, if somebody wanted to apply for demolition they could apply, the City could process that permit, they could not issue the actual demolition permit. I want to make sure what I am really saying is if demolition of the building is not an issue, we do not have a problem. There is not an issue or problem. If demolition is a possibility then we, I think we have an issue we have to deal with, and I would suggest that Derek's answer to that problem is a little unwieldy. His answer that City Council retains today and in the future the emergency powers to stay a permit. If City Staff issued a permit for demolition, City Council retains the ability or authority to stay that permit. Your problem of course is kind of getting to City Council in time to do that. Again, I think the simple answer is, lets kind of do the parallel process to what is in place today for this new animal that is call a Notice of Intent to File a Designation Application for a nonowner initiated property. I think we know that kind of third-party application is not a real common animal and that often times, or we have certainly seen times where it is the threat of demolition that triggers that process. If that is the situation, lets address what happens, lets not add a requirement to the benefit of the property owner that you are going to get a minimum thirty (30) days' notice before an application can be filed that allows the property owner to demolish that building before an application is allowed to be considered by the City. I think we have an unintended consequence that we can avoid, that is my suggestion on how to meet it.

The other item is a very minor item, but the City suggested requirement that there has to be a Council member meeting before a third-party application can be filed. Our suggestion is leave that up to the Council member, require the Council member to be noticed but don't require a meeting thirty (30) days before an application can be filed, thank you.

Commissioner Rogo: Thank you very much, back to your first point, Mr. Kilborn you pointed out we are not going to tackle potentially eligible lists until a future meeting. It is my recollection that a building that is on the

potentially eligible list is subject to that thirty (30) day stay on a demolition permit.

Attorney Judd: Correct and that has not and is not being changed at this time.

Commissioner Rogo: Correct. So, the Notice to Intend to File and Application for Designation, they only time that, that triggers the issue that Mr. Belmont was discussing is when it is something that is not on the potentially eligible list.

Attorney Judd: Correct.

Mr. Belmont: It is a very small list today.

Commissioner Rogo: Right, I just want to make sure.

Commissioner Reese: Thank you, as it relates to the meeting with City Council members, that Mr. Belmont just brought up. Please correct me if I am wrong, but I think our workshop council members actually agreed to that meeting and that is how that change in language appeared in here, am I correct on that.

Attorney Judd: You are correct Commissioner Reese, I believe it was Chair Gerdes who initially outlined word for word what the joint meeting had decided on best practices for preapplication notification and we tried to adhere to that as closely as we could from a meeting minutes, so yes.

Commissioner Reese: My other comment is, I think it is page 5 of the attachment with the text amendments, it is actually page 18 of your full report. Number 6 the first one, when we talked about making sure that an applicant and the property owner have had a chance, there has been some communication, preferably a meeting to get beyond the adversarial problems we have had and to see if they are willing to become co-applicants. I am not completely comfortable with the leniency in this. It states: invite by certified or regular mail, that is great, but is this just inviting them to meet with each other or is this inviting them to meet with someone else present? How is that, we had issues where applicants had not even attempted to communicate with the property owner. So, we know sometimes, going by history, what we have already seen. I am not so sure if the applicants will always be as sincere in their efforts to reach out and meet and so this is all, it is not required it is kind of like invitation, but does the meeting have to be with someone else present? Do you have to receive also notification that was sent out, how do we know that this has been done?

Attorney Judd: Evidence of all four (4) of the criteria under A. would have to be provided before we would accept the application as complete. As I remember the meeting where we were just talking about the criteria, the choice was made to soften the requirement for meeting with the homeowner because of the contention that you just mentioned. We want them to reach out and provide notice that they have reached out but we are not going to require people who may be on opposite sides of an issue to have an actual meeting. The only requirement for the meeting would be with the Council member to see if the City would be interested in an initiating.

Commissioner Reese: That meeting with the council member would be the third-party applicant, it would not be the homeowners. In spite of what we were trying to get around is an application being presented move forward without the homeowner's knowledge. When we talk about invited to a meeting, that does not let us know if a meeting occurred, if a conversation happened at all. The purpose of this was to see if they were willing to become co-applicants.

Attorney Judd: You would need, all four and I think I see where you are going. Number one was meant to be a meeting between the potential applicants and the homeowners to see if the homeowners were interested being together and that is the purpose of one. Then you also need to meet with the Council member, you need to show you are doing all of these things before we will accept the third-party designation.

Commissioner Reese: My question is, and I do not want to belabor this, because it is so long, my question is, this can easily be manipulated, is there anyone else that should be included in this meeting beyond the applicant and the property owner, to ensure that this actually happened that there was some kind of conversation that could lead to, willing to become co-applicants. Are we just leaving it up to the third-party applicant to say yes, I invited them to a meeting?

Attorney Judd: We will require proof of the certified mail of the invitation.

Commissioner Reese: Nothing to do with the meeting, what took place, what was said, you can sit in a meeting and not say anything and say I had a meeting.

Attorney Judd: If you had the meeting, there are either two outcomes, they have agreed to become co-applicants and then suddenly it is not a third-party designation, so we do not need the rest of it, or they're not co-applicants. Then you need to be moving along in the process with the other requirements.

Commissioner Reese: Okay, still does not meet the need I had, I just want to go on record for saying, I was one of the ones that purposed this meeting taking place to avoid some of this, this still does not quite meet it for me. It is better than before, because we did not have it at all.

Commissioner Rogo: Commissioner Reese, would you be open to the thought that maybe historic preservation staff becomes a facilitator of that meeting. I know that is dumping more work on Staff again but at least you then you have an expert who is coming to that meeting with that homeowner.

Commissioner Reese: I would, but I do not think.

Derek Kilborn: I would say that it has been my learned experience that sometimes the best conversations happen at those neighborhood associations between the association members and the developers, on planning and zoning issues, without City Staff there. I think for this initial step, my recommendation would be that, the initial meeting occur between the potential third-party applicant and the property owner without Staff being present.

Attorney Judd: More of a neighbor to neighbor type of meeting.

Commissioner Rogo: It is just that you have a level of expertise that maybe the applicant does not have, or the homeowner doesn't respect.

Derek Kilborn: We would, of course, be available to answer any questions or perform any research that would be requested of us during that initial thirty (30) day period. I think Staff would be engaged but it would be important that we not be there for that initial meeting.

Commissioner Bell: I will make this short. What is the penalty if someone cannot meet with their City Council member within that thirty (30) day time? I ask because to my knowledge, City Council members are not fulltime employees, and there may be scheduling issues either with the Council member or the person needing

that meeting. Is there a restriction on, does it have to be the representative of that particular property? I ask that question because politics can get kind of dicey. Depending on who the person is and what that relationship is, that may create a problem with a person needing the meeting. Does it have to be limited to that one person?

Attorney Judd: That was the decision came out of the joint meeting. The applicant would go to the district. Legally I do not think there is a legal requirement for that, but for the purpose of what we are requiring, obviously if you went to your Council member and asked them to designate and they said no, you are meeting the requirement of the code. Nothing in the code prevents you from going to another Council member and asking them. For the purposes of the code you would have to go to the subject district Council person.

Commissioner Bell: So, you do not need a meeting, you just need to request a meeting.

Attorney Judd: We are saying you need to meet, by meet, I would define that as speaking to them, whether you are speaking to them digitally, there is not a requirement for an in-person meeting, it is a requirement for a contact and a response at the very least. Ideally, we would do a meeting, but as Commissioner Reese said, that Council has agreed to that, but I can understand there would be extenuating circumstances where you would have a Council member that was out of town, was ill and we would have to make other accommodations, which we would do at that time. I believe the preference for the Council people which would be, I would say told to the citizen through their representative, would be for an in-person meeting to discuss the issues, especially in light of recent history and decisions from the joint meeting.

Commissioner Bell: Thank you.

Commissioner Michaels: Just following up on Commissioner Reese's question about page 5, there is a requirement of providing a complete copy of a designation application. How exactly would that work? Are we saying that has to be done before the party that is considering initiating a third-party application meets with the owners?

Attorney Judd: Are you talking about part B?

Commissioner Michaels: 6A-3. Provide a complete copy of a designation application. If I were meeting with the owners, I was interested in designation the property. If I have a designation application already completed, I think it would scare them, it might be something you would want to do after meeting with them.

Attorney Judd: We are not requiring for you to do these, really in any type of order but ideally if you are going to be asking someone to do something, you would be showing them that. If that is you think that is going to spook them, I think that's getting to the heart of the issue that has caused all the problems.

Commissioner Michaels: I think you have the conversation first and maybe you decide as result of that conversation not to pursue third-party.

Attorney Judd: Maybe you do and then we do not have to worry about a complete copy of the designation, but we are requiring at least thirty (30) days before you submit an application to the City for review and eventual scheduling that you have actually given a copy of that complete application to the person who owns the home.

Commissioner Wannemacher: Maybe the applicant line is left blank.

Commissioner Michaels: You are probably talking about backing up the process, to do this properly you are probably meeting sixty (60) days before. If you decide to proceed then, thirty (30) days before you submit the

application.

Attorney Judd: We are providing a minimum time to complete this and I believe Derek was speaking earlier that we are already at a six (6) to eight (8) week process. It was discussed and a thought of creating a narrower timeline for each of the steps would push an already protracted process even further for both applicant and owner.

Commissioner Rogo: I think I am thinking along the same line as Commissioner Michaels, a complete application in my mind includes photographs and history and everything else that goes into an application. You really need that owner's involvement to make it worthwhile. Hopefully they do not have a complete application when they sit down with the owner for the first time.

Commissioner Whiteman: All through this ordinance I see an acronym, POD, I do not see a definition.

Attorney Judd: That is a Person of Designation, it is in the General definition section at the front of the code, Section 1-2. We do that because we change the names, titles of managers, departments, even your own Commission regularly and it helps us from missing those references as we go forward in time.

Commissioner Whiteman: Where is this definition?

Attorney Judd: It is in Section 1-2 of the City Code. It is not included on that, it means Person of Designation.

Commissioner Whiteman: If you are using an acronym, how does a person know where to go to find that?

Attorney Judd: This ordinance is for changing of these sections of City Code, any sections that are not mentioned are left unchanged. We are not doing any amendments in Chapter 1 Section 1-2, that is why it is not mentioned. I apologize for not including a definition of POD, it has been in the code for longer than I have been an employee with the City, so I apologize but I believe it was assumed that everyone knew what we were referring to when we refer to POD.

Commissioner Whiteman: Well, I had to ask.

Commissioner Winters: I think this is really a solid proposal and I appreciate all of the effort that has gone into it. I think you all listened really, really well at that joint session that we did a few months ago. Regarding the Preserve the 'Burg recommendations, I would actually like to keep the language around meeting with City Council. I think it really engages Council and the more we engage Council on historic preservation issues there is an education component there and an ownership thing, so I like this. I do want to ask Derek, the language that Preserve the 'Burg proposes to address the issue, is that, does that work for you? The proposal that preserve the 'Burg made on the first page of their letter around addressing the time period.

Derek Kilborn: I have talked to Preserve the 'Burg on this recommendation, this is staying any permit activity during the thirty (30) day Notice of Intent to File, is that correct?

Commissioner Winters: Yes.

Derek Kilborn: I guess my response to that has been, I do not know how that is any different than the current process, which says, once somebody submits a third-party application, then the subject property is frozen. They cannot pull certain permits, they cannot make changes, until that designation application has been processed all

the way through. The request that we have received is to change that procedure so that the property owner would have advanced notice that a third-party application is coming. There should be a period of time for that discussion to take place before the application is formally filed. If we just simply move up another thirty (30) days, the prohibition on getting permits and other activity, I do not know how that is any different than the current process related to third-party applications.

Commissioner Winters: Okay, you do not think it is necessary:

Derek Kilborn: No, I do not think it is necessary.

Commissioner Wannemacher: Realistically, how quickly can somebody put together a demolition application and get it submitted? You can't do it (snaps fingers) like that. It takes some time, unless somebody was already planning on demolishing a structure, having that thirty (30) day notice.

Derek Kilborn: There is some exposure here.

Commissioner Wannemacher: Yes, there is some.

Derek Kilborn: There could be a case that comes in where the owner can get that demolition permit. The best answer here is to not wait until we are in a situation where somebody is on the cusp of submitting for a demolition application. These types of communications should be happening sooner than that. If there is an extreme example, then we can use the expedited action section of the existing ordinance to deal with it when it comes up.

Commissioner Wannemacher: I just think it is so rare.

Commissioner Winters: I will move that the Commission make a finding of consistency with the Comprehensive plan and recommend to City Council approval of Amendments to Land Development Regulations.

Commissioner Wannemacher: Second.

Commissioner Rogo: We have a motion and a second, any further discussion or questions?

Commissioner Rogo: I would ask, I think our role is to do what the motion has stated and if we have the desire to make amendments in the future, what is our process. How do we improve the meeting facilitation, how do we address that thirty (30) day gap?

Attorney Judd: First of all, for this round, all of your comments are collected into the minutes, that is why we really insist on having robust minutes. For the first reading and public hearing they will just be in your draft form, but we do have that. Your comments do go with the packet of all of the approvals to City Council. Some of the comments that were made, specifically about the complete application, I think we can do away with that word "complete". That is a change, based on some issues we have had in other places in the code would warrant, I do hear your comments Commissioner Reese. For future, the Council can change anything on the dais that does not involve a changing of the title of the ordinance, as long as deals with the public participation and the notice, the Council can make those changes as long as they are within the title. That goes for the recommendations from Preserve the 'Burg, your recommendations or something that comes out in the course of the public hearing. It is possible within everybody's right. Part 2, beyond this meeting, say we pass this we go

through, hey some of this is working, some of this maybe needs to change. That is something you can request, make a motion or a resolution of this body to look into that and to do that and we would move forward from there.

Commissioner Rogo: We have not done that often, if at all.

Attorney Judd: No, but it is part of your duties to update. Update with the times and we are moving to phase 2, as Derek said, so we are going to get more of the substantive issues about demolition stays, third-party, what do we do with that, do we get rid of potentially eligible, that is all coming later. We do have another round that is coming around right after that. We will be able to do further refinements.

Commissioner Rogo: Revisit if we have to. We have a motion and second.

Commissioner Reese: Before we vote, I want to go back to Commissioner Michaels and you made a comment too, when I look back to the same line, page 5 number 6 and the four items under that, to me it makes a little bit more sense than one (1) and two (2) were separate three (3) and four (4) so that after doing one (1) and to (2) after which you do three (3) and four (4) because you can go to that initial meeting with a completed application what is the purpose of the meeting, you have already, you are not coming there with an open mind, not the best choice of words. If one (1) and two (2) can almost be separate, you must do one (1) and two (2) before you do three (3) and come up with your completed application which seems more open to the possibility of working together. Just for the record.

Commissioner Wannemacher: Let me also say that the 1 meeting is a minimum, it doesn't mean they cannot meet more than once.

Attorney Judd: That is just the proof that is required.

Commissioner Wannemacher: Correct, I would encourage the parties to work together and meet more than once.

MOTION: *Commissioner Winters moved on approval of the amendments to the Land Development Regulations
Commissioner Wannemacher seconded*

VOTE: *YES – 7
NO – 0*

Motion passed by a 7 to 0 vote

VI. WORKSHOP

VII. CPPC MEMBER/STAFF COMMENTS, ANNOUNCEMENTS

VIII. ADJOURN

With no further items to come before the Commission, the public hearing was adjourned at 7:30 P.M.