

HISTORIC PRESERVATION COMMISSION  
MINUTES  
JANUARY 13, 2016

The Historic New Smyrna Beach Preservation Commission held a regular meeting on Wednesday, January 13, 2016 in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida. Chairperson Virginia Schow called the meeting to order at 5:30p.m.

ROLL CALL

The following members were present:

Virginia Schow  
John Coffin  
Jean Mayo  
NoraJane Gillespie  
Lianne Bennett  
Timmy Ann Russell (arrived at 5:35pm)

Also present were Assistant Planner Robert Mathen; Planner Steve Bapp; Board Secretary Tammy Dickerson and members of the public.

**APPROVAL OF MINUTES**

**Motion by Ms. Mayo, seconded by Ms. Bennett, to approve the minutes of the regular October 14, 2015, Historic Preservation Commission meeting. Motion passed unanimously on a roll call vote, 5-0.**

**APPROVAL OF 2016 MEETING CALENDAR**

**Motion by Ms. Gillespie, seconded by Ms. Mayo, to approve the 2016 Meeting Calendar. Motion passed unanimously on a roll call vote, 5-0.**

Ms. Russell arrived at 5:35pm.

**DONNADINE MILLER PRESERVATION AWARD** – Notice to Commissioners that the applications are available and that the press release was done.

Mr. Mathen stated that the applications are now available at the New Smyrna Beach Museum, City Hall and we plan to put them at the historical church and Babe James on the west side.

Ms. Bennett asked if the city planned to do a mail out also.

Mr. Mathen stated that they did plan to do that.

Ms. Mayo asked if the deadline was January 29<sup>th</sup>, 2016.

Mr. Mathen stated that was correct.

**PUBLIC PARTICIPATION** – In accordance with the City Commission Resolution #11-89, a three-minute limitation is in effect unless otherwise granted by the HPC

Sarah Bennett, 2615 Crestwood Avenue, stated her name for the record then addressed the Board. She stated that she was speaking on behalf of Dot Moore and wanted to know if the property across the street from City Hall was investigated by an archaeologist specifically the ROW near the sidewalk.

Mr. Mathen stated that there was an archaeological study done but he didn't believe any items were found except old porcelain toilets from the 1960's. He stated that it was a city dump at one time.

Ms. Bennett stated that there are two bills that are bad for archaeological resources which are state level house bill 803 and senate bill 1054. She stated that these bills were created by people that collect artifacts and destroy sites illegally trading or selling these artifacts and violating state and federal law. She stated that the bills state that someone could pay \$100 to collect artifacts and can keep them and not have to report them to the state. She stated that there is a letter writing campaign going for anyone that is interested in protecting the past and archaeological sites. She stated that if anyone is interested in joining that campaign let her know and she will get the information to them on who they need to write to.

Mr. Mathen stated that Ms. Bennett could contact the HPC Board secretary Nancy Maddox who could submit a letter on behalf of the city also.

**DM-1-15 – DEMOLITION: 306 LIVE OAK STREET – RESEND CERTIFICATE OF APPROPRIATENESS**

Mr. Bapp reviewed staffs' findings and stated that staff recommends the Historic Preservation Commission take one of three actions:

1. Grant a waiver of the condition after-the-fact,
2. Find that the conditions of the Certificate of Appropriateness for Demolition were satisfied by the applicant,
3. Refer the case to the Code Enforcement Board to obtain compliance with the requirements of this section, or to prevent a violation thereof.

Andy and Shanie Stout, 2307 Saxon Drive, stated their name then addressed the Board. Ms. Stout gave a handout to the Board with a rendering of the property at 306 Live Oak and also the steps of contacting Dot Moore regarding archaeological study on the property.

The Board read through the information provided by the applicant.

Ms. Mayo stated that it appears that it seems like there was a lot of miscommunication and missed steps and no one really solved anything. She stated that it isn't necessary that the study is completed by Dot Moore and when you didn't hear from her the

applicant should have proceeded with someone else. She discussed the three recommendations from staff and her recommendation would be to send the case to code enforcement.

Ms. Russell stated that she didn't feel like another Board should decide what the outcome of this case should be.

Ms. Gillespie stated that was what the City Attorney recommended.

Ms. Russell stated that she personally felt that the Board should grant a waiver after the fact with the condition that if the rules and regulations aren't met then when footings are being put in it would be referred to the Code Enforcement Board and request a fine be levied.

Ms. Gillespie stated that she felt that it should be dealt with by the Code Enforcement Board. She stated that she felt the applicant should have made a phone to Dot Moore sooner instead of email.

Ms. Stout stated that she only had an email address in order to get a hold of Dot Moore she had no phone number for her. She stated that they have nothing to lose or gain by having an archaeological study done by Dot Moore. She stated that she contacted the museum explaining how she wasn't able to get a hold of Ms. Moore and they stated that she was at the museum so she was able to talk to her then. She stated that she felt that a step process for this would be very helpful.

Ms. Bennett stated that the Board made the process clear on what was expected out of the applicant. She stated that the demolition should have never taken place before Ms. Moore had done the study.

Mr. Stout stated that they didn't want to have to demo the property and the house they plan to build is a rendering what was on the property. He stated that this will be a family owned business on this site and any amount of a fine would be big to them.

Ms. Mayo stated that this is why she thinks the Board should refer the case to the Code Enforcement Board.

Ms. Russell stated that she still didn't think the case should be referred to the Code Enforcement.

Ms. Bennett stated that if we sign a waiver for this applicant then the next applicant will expect the same.

Ms. Stout stated that they didn't know if Ms. Moore had come to the property or not. She stated that she felt like they did their due diligence.

Ms. Russell asked Mr. Bapp if a case like this has gone to the Code Enforcement Board before.

Mr. Bapp stated that he has not referred a demolition to the Code Enforcement Board. He stated that the Board could recommend to Code Enforcement any conditions they would like or grant a waiver.

Ms. Gillespie stated that if the Board recommends to the Code Enforcement Board that as long as the applicant follows the balance of the code that there will be no recommendation of a fine.

Ms. Russell stated that we want Dot Moore to be able to go in there and do a study.

Ms. Bennett asked Sarah Bennett if there was an archaeologist on site when they are digging the footers would it be effective.

Sarah Bennett asked if the fill dirt had been brought in on the site.

Ms. Stout stated that it had been brought in.

Sarah Bennett stated that it depended on how much fill dirt had been brought in and how deep the footers will be.

Mr. Bapp stated that the Ms. Moore stated that the fill dirt that was brought in would seal the site and hopefully provide preservation of any artifacts that are on the site.

Ms. Mayo asked if the Board want to give the applicants a waiver that when they do the footer they allow an archaeologist to come in then to do an archaeology survey at that time.

The Board and staff discussed the process of the applications and suggestions were made of what should be provided to the applicant so they are aware of the entire process of demolition.

**Motion made by Ms. Mayo, seconded by Ms. Russell, that a waiver be granted after the fact with the condition that they involve an archaeologist when the applicant begins the footers and foundation. Motion passed on roll call vote, 4-2 with Ms. Gillespie and Ms. Bennett.**

Mr. Bapp left at 6:25pm.

### **CA-1-16 – CERTIFICATE OF APPROPRIATENESS: 318 HILLMAN STREET**

Mr. Mathen reviewed staffs' findings and stated that staff recommends the Historic Preservation Commission approve the Certificate of Appropriateness, for the replacement of an east side 4/1 light window with the following conditions:

1. Any other exterior modifications, demolitions or new construction in the future would need to come before this Commission to apply for a Certificate of Appropriateness.
2. All other applicable regulations are complied with.
3. A building permit must be obtained with-in 90 days of this approval.

**Motion made by Ms. Gillespie, seconded by Ms. Mayo, to approve the certificate of appropriateness with the following conditions:**

1. Any other exterior modifications, demolitions or new construction in the future would need to come before this Commission to apply for a Certificate of Appropriateness.
2. All other applicable regulations are complied with.
3. A building permit must be obtained with-in 90 days of this approval.

**Motion passed unanimously on roll call vote, 6-0.**

**CA-2-16 – CERTIFICATE OF APPROPRIATENESS: 322 HILLMAN STREET**

Mr. Mathen reviewed staffs' findings and stated that staff recommends the Historic Preservation Commission approve the Certificate of Appropriateness, for the replacement of existing 1/1 windows with 2/1 and 3/1 light windows with the following conditions:

1. Any other exterior modifications, demolitions or new construction in the future would need to come before this Commission to apply for a Certificate of Appropriateness.
2. All other applicable regulations are complied with.
3. A building permit is obtained with-in 90 days of this approval.

**Motion made by Ms. Mayo, seconded by Ms. Bennett, to approve the certificate of appropriateness with the following conditions:**

1. Any other exterior modifications, demolitions or new construction in the future would need to come before this Commission to apply for a Certificate of Appropriateness.
2. All other applicable regulations are complied with.
3. A building permit is obtained with-in 90 days of this approval.

**Motion passed unanimously on roll call vote, 6-0.**

**FINAL REVISION OF THE TEXT FOR THE GARBORY CANAL STATE MARKER**

Mr. Mathen stated that he was looking for any final revisions before submitting the final submittal.

Ms. Bennett asked if the revisions that she gave to Mr. Mathen at the last meeting were already in the document.

Mr. Mathen stated that they weren't inputted yet waiting for anymore comments before they are put in the document. He stated that since the last meeting wasn't an actual meeting due to no quorum he needed to wait until this meeting for any other comments.

Mr. Gillespie asked if there was any chance that we will get this grant approved.

Mr. Mathen stated that Ms. Maddox stated that there shouldn't be any reason why we didn't get this that a road side marker has never been turned down.

### **ELECTION OF CHAIR AND VICE CHAIR**

Mr. Mathen stated that there was a ballot in front of the Board Members to vote for the Chair and Vice-Chair. He stated that the Board's member name would go at the top and then circle the Board member they wished to vote for and then after Ms. Dickerson would tally them and name the Board member with the most votes and then the Board would need to make a motion for the Board member.

The Board members filled in ballots and the following motions were made.

**Ms. Mayo nominated Ms. Bennett as Chair, seconded by Ms. Russell. Motion passed unanimously on a roll call vote, 6-0.**

**Ms. Russell nominated Ms. Gillespie as Vice-Chair, seconded by Mr. Coffin. Motion passed unanimously on a roll call vote, 6-0.**

### **COMMENTS FROM COMMISSION MEMBERS AND CITY STAFF**

Ms. Gillespie stated that we have a vacancy on the Board and there are no applicants.

Mr. Mathen stated that an applicant can be a non-resident as long as the applicant lives in the interlocal service boundary agreement area.

### **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:46pm.