

**Miami-Dade County Historic Preservation Board
Minutes of the September 17, 2014 Meeting**

**Trinity Cathedral
Cathedral Hall
464 NE 16th Street
Miami, FL 33132**

I. ROLL CALL

The meeting was called to order by Chair Mitch Novick at 2:00 p.m.

Board Members

Gary Appel	Present
Ruth Campbell	Present
Adriana Cantillo	Absent
Rick Cohen	Present
Paul George	Absent
Robert McKinney	Present
Mitch S. Novick, Chair	Present
JoEllen Phillips	Present
Enid C. Pinkney	Present
Edmundo Perez	Absent
Ronda Vangates	Present

Staff Members Present

Kathleen Kauffman
Sarah Cody
Jeff Ransom
Eddie Kirtley
Assistant County Attorney

II. APPROVAL OF MINUTES

Ronda Vangates moved for approval of the July 16, 2014 Minutes. Enid Pinkney seconded the motion. Motion was approved by group vote.

Gary Appel	Yes
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Absent
Robert McKinney	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes
Edmundo Perez	Absent
Ronda Vangates	Yes

III. SWEARING IN OF GARY APPEL, NEW HP BOARD MEMBER

Chairman Novick swore in new Board member, Gary Appel.

IV. SWEARING IN OF THE PUBLIC

Chairman Novick swore in members of the public who would be testifying before the Board.

V. PUBLIC HEARINGS

PH1. Historic District Designation, 9000-block Collins Avenue, Surfside

PH2. Historic Site Designation, 9340 Collins Avenue, Surfside

Chief Kauffman: Mr. Chair, I believe you have some requests for deferrals. The request for deferrals relate to both Public Hearing 1 and Public Hearing 2, which are designations in Surfside; as part of your packet you should have received a letter from the Town of Surfside that is requesting a deferral of 6 months and I believe there is a representative from the Town of Surfside here.

Sarah Sinatra Gould, Surfside Town Planner, 1800 Eller Drive Suite 600, Fort Lauderdale, FL: We were actually here before you 3 months ago requesting a deferral. Since that time we have been working with your staff. Your staff has been tremendous in working with the Town and has been very helpful and we are very grateful for that opportunity. We've had meetings one-on-one with your staff and our Town Commissioners as well as your staff presenting a whole workshop that was very well attended by the public explaining the historic designation process. However, the Town doesn't feel ready to move forward at this point and would like an additional 6 months. We are also in the process of looking at a corridor analysis and all of these properties happen to be within that corridor. This is all happening pretty much simultaneously so we would like the opportunity to again work with your staff and to finish our own analysis.

Jeffrey Bass, 46 SW 1st Street: I'm a lawyer and I represent one of the property owners within Surfside, particularly item PH2. We too would like a deferral on this item. However, we would like the ability to come back before you on 30-days' notice to your staff if the Town and this process starts to go nowhere and we have to get an action from this Board to make a decision about what we are going do with our property. We are all for working together and we pledge that we will work with your staff, who I hold in tremendous respect, but we just need that flexibility and not get stuck in 6 months.

Margie Robinson, District 4, Aide to Commissioner Sally Heyman: Commissioner Heyman apologizes that she wasn't able to be here today; however she does have a scheduled conflict with a press conference that she had already scheduled prior to knowing the date of this meeting. She wanted to make sure that she shared her concerns regarding some actions that are currently taking place in her district, particularly in Surfside and Bay Harbor Islands and she wanted to make sure to ask for any items that are currently being looked at in District

4 for them to please be deferred, which I see that others are asking for the same thing and basically that's it.

Chairman Novick: Thank you, Margie. We haven't discussed or taken any action on Bay Harbor? Have we?

Margie Robinson: Well these are items that have come before her... apparently there has been a lot of confusion concerning things that have not come before your Board but this is something that I guess is being looked at by the County staff.

Chairman Novick: Yes, actually Bay Harbor did come before this Board years ago must have been 3 or 4 years ago.

Stephen Norris, 9149 Collins Avenue: I am a property owner at 9141 Collins Avenue, Apt. 212. The building name is the Seaway. The Seaway is oceanfront and it is directly north of the Surf Club Apartments, which was purchased I believe for \$36 million either by Fort Capital or an affiliate of Fort Capital. That building [Surf Club Apartments] is now completely vacant. My building sits directly north to it on the ocean. I should also say that I am here with Ms. Patricia Cohen who is the unit owner of apt. 301. We are here for the exact opposite reason. We are not here to ask you to defer any action, we are asking you to take action now because there is a great urgency of the situation. Before I describe to you in detail what that urgency is, let me explain to you something about the Seaway itself so you have some general background knowledge of the uniqueness of the property. The Seaway was built in 1935 and it was the first apartment building built in Surfside directly north of the Surf Club Apartments.

Chairman Novick: Let me just interject here, Mr. Norris. You are referring to a property that is not up for consideration today.

Stephen Norris: It is in the block that is up for consideration that is apparently being deferred. The reason why I want you to be aware of it now is that so if you need to put it on your agenda for your next meeting, it is on your radar and can be on the agenda because my concern is the Board of Directors of the Seaway, although they do not own my property, nor do they own Ms. Patricia Cohen's property, nor do they own Giovanni Macri's property which constitutes 10% of the building under Fla. Statute 718.117, required to terminate the Board, nevertheless the Board filed an application to demolish the building. That application was filed with the Town of Surfside by the president of our building, Faith Doyle. We are asking to take action immediately to preserve and protect this unique gem. I also want to point out something else by way of phrasing a question to you. I ask you this, "What would the Four Seasons be without the center of the Surf Club?" By protecting and preserving the Surf Club, it's done nothing but enhance the beauty of what will eventually be that Four Seasons. If our building is destroyed and demolished we will never again have a property like that. It would be a disastrous loss, not just for the owner, but also for all of the residents of Miami-Dade County that have a sense of history and who value our history and who appreciate the beauty and the quality of life that it provides, not just for the owners in that building, but for everyone. How many times over the years have people stopped in front of the building, at our black wrought iron gate, and said it is so beautiful can I just walk inside for a minute. So I am asking that you put it on your schedule.

Chief Kauffman: To clarify, the two items on the agenda for today that are requesting deferral for are 9340 Collins Avenue, which is one building, and the little district that we had initiated at the 9000 block of Collins Avenue. So those are the two, the 9000 block district and the 9340 are what we initiated 3 months ago, and they are asking for a deferral for those items. But he (Mr. Norris) is referring to a property at 9149 Collins.

Stephen Norris: Correct, which is one of the first apartment building built in Surfside in 1935, which is in danger right now of being purchased by a developer and demolished and this is the reason why I want to refer to the fact that the demolition application, without any of the necessary attachments, has already been filed in Surfside.

Chairman Novick: Staff, is 9149 is it one of the eligible properties that we're considering today for in terms of a deferral?

Chief Kauffman: No it is not one of the properties to be initiated yet. We have determined it to be eligible but have not brought an initiation to the Board for that particular one yet.

Stephen Norris: This is the reason why I want to bring this before you, to initiate that designation of this property because time is essential. Otherwise, it is in grave danger of being demolished and 6 months is far too in the future; by the end of 6 months it is very conceivable that the building will be gone.

Attorney Kirtley: Maybe we should continue with the Public Hearing items 1 and 2 before we take any other action.

Chairman Novick confirms that the Board will not take action on new items without first dealing with the agenda items.

Daniel Ciraldo, 1051 Michigan Avenue: I'm speaking today on my own personal behalf, some of you may know me as the Chair of the Miami Design Preservation League's Public Policy Committee and I'm not asking on their behalf, but in general as a young person who cares about preservation in our neighborhoods. I am very concerned about some of the actions that you all are being asked to do – to defer consideration of properties that meet the objective criteria for being historically designated.

We all know that when the Ordinance was written in the 1980s, it was written in a way to keep the politics out of designation. There is supposed to be a set of objective criteria set by national standards of the Secretary of the Interior to determine whether there are possible designation sites. So I am very concerned about what is happening today; it seems like some elected officials are trying to basically tell you all to stop or to go as they please and I think that this could bring us all down a very bad path for preservation because it is supposed to be objective. It is great that we have enlightened people from Surfside and that they are asking to protect their building, because I will tell you that we hear a lot in Bay Harbor and Surfside that there are a lot of elderly people that live in a lot of these buildings that are going to be displaced if they are sold to the developers, and they will be replaced only with the fanciest of fancy apartment buildings and frankly I don't really think that is what preservation is about so thank you all for having me.

If you do decide to defer I would ask the County Attorney to let us know what are the reasons for deferral. It shouldn't be that someone feels like it, or I would hope that the code has it laid out very clearly and then you could all decide if it makes sense to hold some educational

workshops. I attended a workshop in Surfside, and it went very well with about 50 people there and a round of applause at the end. Maybe it's about educating the public more and meeting with the developers and explaining the benefits. I'm just concerned about how the process is being manipulated and hope you all will do it the right way, the way it should. Thank you.

Dolly MacIntyre, 409 Vizcaya Avenue, Coral Gables: I am the Advocacy Chair for Dade Heritage Trust. My concern right now has to do with the deferral process. Are the buildings protected in the interim if they can't be demolished? Because it is my firm belief that the purpose of these Boards is to create dialogue between the property owners and the community and that is what this process is doing - so it is working.

Staff clarified that the building permit moratorium stays in place through the deferral period, for the buildings that have previously been initiated.

Patricia Cohen, 9149 Collins Avenue, Apt 301: I am actually an elected official and wanted to go on the record as a Councilwoman in Bal Harbour Village, neighboring Surfside. I live in Bal Harbour, but I have a small property in Surfside at Seaway Villas. I bought the property for my children, because I wanted to leave it to them. It is an architectural gem. I was just lucky enough to spend some time in Nantucket and I just came back. I was reinvigorated and realized why do we go to places like that? It's because we take hikes and we see the houses that say '1733' and we see all these monumental, and small, relics from the past that have survived and that we preserve beautifully and that we find unique from other locations. It makes this place unique, and this is what makes Surfside unique – properties like the Seaway Villas, and some other small ones, but unfortunately there is nothing left.

So I have never come to one of these meetings and was very interested to see what you do. I commend you for what you do and I urge you to step up and look at the compelling reasons why we are coming here to say please do what you can to preserve such a building as ours and several others. Generic/modern buildings, which are very lucrative for developers, are a dime a dozen but a building like ours is never going to happen again and so I think it is incumbent upon all of us to do whatever we can. And I thank you for what you do. Hopefully you will make the right decision.

Stephen Norris: I would like to add that I am a homesteaded owner at the property [Seaway Villas] and with the earlier reference to the possible displacement of remaining owners, I would like for everyone to familiarize themselves with Fla. Statute 718.117, which was adopted after Hurricane Katrina so that condominiums in distress could be terminated without the burden of finding every single owner. At that time, termination required 100% ownership agreement and there were some cases where they simply couldn't find one owner. It was never intended for bulk buyers to be able to manipulate the situation in order to buy up condominiums and then displace remaining owners. 718.117 will be on the legislature's agenda for 2015 and the government is also taking a direct interest in it now, and so have many other state representatives such as Zimmerman with multiple lawsuits now to halt these proceeds.

Chairman Novick closed the public hearing.

Gary Appel: In the statutes, is there criteria that you are supposed to apply for a deferral?

Chief Kauffman: The criteria is that you have to have the public hearing within so many days of the initiation, which you are doing. It is up to the Board whether to defer this matter or not for 6 months, and zoning-in-progress will remain and stay in place.

JoEllen Phillips: I would like one more clarification, when someone asked about the buildings being “safe” during that period.

Chief Kauffman: The moratorium only runs for the buildings that came to you for initiation.

Robert McKinney: The gentleman that spoke on behalf of one of the owners, Jeffrey Bass, can you give us the address of the property?

Jeffrey Bass: 9340 Collins Avenue, it is PH2 on your agenda today. I will say to you all, mirroring what your staff said, there is a moratorium placed on our property right now.

Various Board Members requested clarification from Jeffrey Bass on the terms of his client’s request for deferral, specifically why they are requesting the stipulation that they be allowed to come back before the Board before the 6 month deferral has expired.

Jeffrey Bass: I asked for the ability to, as we work through with staff and everybody, if we get to where we need to be before 6 months, we would like to be able to come back before you in that time, with 30 days’ notice.

We are in the process of assembling other properties that are in this process as well. We have contracts with periods of time when we need to close or go hard with more money and that lifespan is not necessarily the same as the 6 months interval so if we get sideways with a seller obligation or a lender, and need to come before you sooner, I am simply asking that on our item, PH2, that if we need to come before you sooner, that we have the ability to end the deferral. I don’t see how anybody would be prejudiced by it.

Gary Appel requested clarification why the Town of Surfside is requesting the 6-month deferral, as opposed to the previously requested 3 months.

Chief Kauffman: The City of Surfside has requested 6 months because they are in the middle of a corridor study and they are allowing us to work with them through that study, but the study is not going to be done in 3 months.

Robert McKinney moved to defer PH1, the Collins Avenue Historic District, for 6 months. Gary Appel seconded the motion. Motion was approved by group vote.

Gary Appel	Yes
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Absent
Robert McKinney	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes

Edmundo Perez	Absent
Ronda Vangates	Yes

Robert McKinney moved to defer item PH2, 9340 Collins Avenue, for 6 months with the opportunity for property owner to come back sooner upon providing 30 days' notice and in accordance with the Board's procedures. Gary Appel seconded the motion. Motion was approved by group vote.

Gary Appel	Yes
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Absent
Robert McKinney	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes
Edmundo Perez	Absent
Ronda Vangates	Yes

Chairman Novick asked if the Board should talk about the other potential resources in that neighborhood [Surfside] that staff hasn't yet initiated.

Attorney Kirtley: Before we move on, it is my understanding that even though staff is not going to recommend initiation proceedings today for other Surfside properties, the owners are free to ask you all to do that, which I believe is what this gentlemen is asking. You may want to consider that outside of the public hearing section because the decision to initiate or not is not a public hearing.

PH3. Special COA #2014-37-S, Request to Demolish Harry Troeger House

Chief Kauffman presented the staff report for the item. The report outlined the criteria the Board must consider when presented with a requested demolition. The staff recommendation was as follows:

Staff recommends a deferral of the request to demolish the property for 30 days, so that the group of citizens that are concerned about the property have time to consult with the new property owner as to any effort they may wish to undertake to relocate the structure and preserve it elsewhere.

Additionally, staff recommends that the property owner submit additional information to staff that more specifically speaks to the financial requirements (including some estimates) of what it would take to bring the structure back into code compliance.

Guillermo Alvarez, 5701 SW 107th Avenue: I am the manager for the property located at 8940 SW 156th Street. I have been discussing this with staff, a little background behind this property. We purchased this property by auction and prior to that auction we had our title search and we did our due diligence and nothing came up with regards to the designation of this property. We spoke with the City [of Palmetto Bay] and there was no mention of this and there was no paperwork tied to the chain of title of the property. When we found about this is when we first went to file a demolition permit, a staff member of the building department from Palmetto Bay told us there might be an issue. We checked it out and your staff provided us with a copy of the designation. That designation was improperly recorded, according to the chain of title of ownership. If it had been properly recorded we would have been aware of that and we would have never purchased the property. Now we do own the property and we have this little issue and we are working with staff to work on this issue.

I love the recommendation and staff report and I really thought that it was pretty thorough and they were on the ball and when they were figuring out the background of the property as well as the staff analysis, which went really well. If you look at the staff analysis, it points towards approving the demolition of this property, if there is nothing else that can be figured out. In the case of this property, staff came to the conclusion that the owner of the property should provide more financial information as far as economic hardship.

I spoke with staff and have discussed that is very difficult to do with this type of property. If you have seen the property you would understand that to bring the property up to code – not *back* up to code since it never met the building code – but to bring it to code will require such extensive modification to the structure that you are pretty much eliminating the characteristics that made it unique, that made it rare, that made it eligible for historic preservation. That's like asking someone to tell you what is the financial hardship behind bringing Stonehenge up to the Florida Building Code. Now we have to modify and enclose the entire structure. The roof has a foot gap between the actual limestone structure that supports it. It's just something that would completely change the characteristics of it.

Any decision as to maintaining the structure "as is" is paramount to a regulatory taking and you can't live in that structure in the current form that it is in, it has to be completely redone. Now staff did recommend a relocation of that property which I think it is a good idea and outside of the box, if you just think about the consequences of living in Florida, you are talking about cap rock and Mr. Troeger did a great job cementing the foundation of the property onto the cap rock. We would have to come in and jackhammer it to have the property lifted up. This would require extensive amounts of insurance coverage and geologists would need to come in and measure the ways in which the characteristics of the site are being affected. It's just not rational, it cannot be done from a financial standpoint.

For us, to have this delay would be an undue hardship. The property is in such bad condition and poor care and in a bad state that it is an attractive nuisance; it attracts children to the property and that has caused us to suffer a huge liability. We've been going out several times a week checking to make sure and to get a feel of what is going on and making sure that no

one has entered the property. Our insurance carriers have told us that we have issues with the property and something is going to happen there and you are asking us to carry liability insurance on the property that is just a huge nuisance and something is going to happen there and we are going to suffer a financial hardship and it is delaying the process. Now we have a group of concerned citizens which I understand and am fully behind, but since November 2013 hasn't come up with a solution to take care of the situation or find a way to resolve it and now you are asking me to undertake further time for them to figure out the situation and suffer any type of liability that I may undertake and carry the cost of the property.

The Applicant, Staff, and Board discussed how County-designated historic sites get recorded with the County Clerk of the Courts. **County Attorney Kirtley** stated, for the record, that based on the information presented at this time, the County is not prepared to concede that there is a problem with the recordation of the item.

Guillermo Alvarez: I purchased the property through a tax auction within the last 60 days and immediately started my procedures to acquire a demolition permit. With sales like this, trespass laws are in effect and potential buyers can't really go see the property. But from what I was able to see from the street, it looked like a full demo, but this is an instance where you look to the property record and title to make sure there aren't any superseding liens that may affect the property.

Joy Klein, 6817 SW 81 Court: My attention was originally brought to the property by neighbors of Mr. Troeger. My coworker lives directly behind the property and I was interested because of its reputation. At that time he took me onto the property to look at the property and trees and my friends were very interested in buying this property that is directly behind their house. They said that they were starting to clear the vegetation that was growing on the property and wanted to purchase the property and preserve it. They thought it was a very unique site and were willing to try and work with the property. I know that there is also the precedent of moving certain structures to other places and so, as a last resort, I will recommend that. This house will never be brought up to Florida Code, it was never meant to be brought up to Florida Code and if there is a discussion to try to bring it up to code as a single family structure, that is not going to ever happen. It can be a lovely porch or can be built around, but this property is really incredible and should be someplace where the public can really see it and enjoy it.

Thorn Grafton, 2814 Chucunantah Road: I am an architect in Miami. I was involved in this project as far back as 2002 when I got called to help out with the designation of the property. Let me echo Joy's point about trying to find ways to resolve the property in reference. We would have liked to have solved the problem by now, but we have not been able to because of the indistinct nature of the property ownership. We were so encouraged at the last meeting that we came to, and one of the attendees was that neighboring property owner who talked about looking forward to his bidding at the auction on the property and knowing full well going into that auction that it was a historic property and wanting to convert the property/structure into a garden relic, trellis, or some whimsical structure that

wouldn't necessarily have to be code compliant but would turn it into a garden feature. So at some point we were placated, thinking we may have an opportunity to have it saved.

I was involved as an architect pro-bono to try and work with this property, and so we helped Mr. Troeger live out his last years in his house and we got it designated and we got the code compliance issues worked out by reroofing it after the hurricane problems. At that time the County was satisfied that Mr. Troeger could live there safely, as he had lived there since 1949/1950. The designation report is full of reasons why this property is so unique and hopefully you have had a chance to look that over.

The property was subject to many articles and so many people were fascinated with the uniqueness of the structure which I think there were 8 articles including the Herald and other periodicals on the property. I want to talk about and pass around the amazing photograph that Harry took while the house was being constructed so in a sense you get to meet Harry Troeger, just by shuffling through some of these photographs.

Let's figure out some way that we can capture the value of what the resource is instead of just throwing it away. It's not a candidate where you can just scrap it and forget it. Let's negotiate something to save; such an incredible value of what this unique resource is and I think it may take a little bit of time to do that.

Guillermo Alvarez: I would like to just get one point out based upon what the gentleman just said in regards to the articles that were published. If you reference the Sun Sentinel article published in 1998, Mr. Harry Troeger reported himself as saying that "this is an old home and as soon as I move out this home should be demolished and it should make way for a new, more modern home." Harry Troeger himself said that it should be demolished. I do have a copy of that Sun Sentinel article for the record, which gives you the value of the property and gives you a state of mind of what the gentlemen was in and the architect himself came up here and said we can't bring this property up to code as is, and another person spoke that we can't bring this property up to code. All we are doing is, let's get some time and spin the wheels some more and figure out what we are going to do. I don't have time because my money is on the line and I can suffer great damage if that property stands. Someone said that they have a neighbor with two kids and they have gone onto the property and they have played around in the property, well you know what, as the property owner actually that really bothers me because that's my insurance, that's my life on the line there, and now I have trespassers coming onto the property.

Alan White, Palmetto Bay Building Department: I do the code enforcement and this property has a violation and is under unsafe structures and bunch of other things which I think were brought up by County staff. We have sent a bunch of unsafe notices, we have given them an extension but at some point in time we are going to have to recommend demolition.

Amy Creekmur, 9000 SW 156 Street: I am one of the concerned citizens that is most interested in preserving this property mainly because of the man that built it. I actually do have a position paper that if I may distribute it to the Board from the Friends of Harry, which are the concerned citizens Jim Adamson, myself, Rick Ferrer, Helen Gage, Thorn Grafton and Joy Klein, and others who have all taken a lot of time and energy in this property and working with you all and staff in trying to keep it preserved as a historically designated site. Basically looking at some of the possibilities of the position paper, we feel that there are solutions, there are things that can be done with this, and as we spoke at the last meeting, this is where the owner of the current property needs to step up and help with some of these things that can be done, one thing in particular being relocation. The board has a wonderful history of relocating other historic properties such as The Dice House, I forget the name of one that is in Pinecrest Gardens that was relocated and I know that there are two other ones that the Historic Preservation Board has specifically relocated. This cannot be reproduced anywhere this is one of a kind gem built by a pioneer of Miami-Dade County and we need to accept that and we need to preserve it and we need to keep the designation because we cannot move forward unless it remains designated.

Joy Klein: Mrs. Gage from the Bethel House asked that I speak on her behalf. Mrs. Gage is the owner of the Bethel House, which is a historic Bahamian American Museum. The building was moved to a vacant property. She has one property that was donated and she is willing to accept the structure should it be moved to the Bethel House. The Bethel House is located at 18201 SW 102nd Street. It is by Eureka, near Perrine on the west side of US1 probably 20 blocks that way.

Chief Kauffman clarified that the staff recommendation is not to approve the demolition, but rather to defer the request for 30 days so that the civic group that is concerned about the property has time to consult with the new property owner as to any effort they may wish to undertake to relocate the property and preserve it elsewhere.

Alan White, Palmetto Bay Building Department: I actually met Mr. Troeger in 2007, I believe it was during Hurricane Katrina. He basically stated that once he passes, whoever ends up with it, let them do as they may. What we have done is we have a notice of violation on the unsafe structure, which is the start of the process. We've already had 2 notices of violation when we first initiated because some of the neighbors complained to my director from Planning & Zoning, and they gave it to me so there was a notice of violation and an unsafe structure notice posted on the property. That was 30 days per code. We went back out and that's when we found that the property had changed ownership so then we did an amended notice which we sent and mailed to the new owner. I think he still has time on it but our next step would be to actually initiate and take it to the Miami-Dade County Unsafe Structures Board. That is one issue.

The second issue there would be the invasive exotic and non-native species that are encroaching up to and within the overhead utility lines, which subsequently down the road could impact health and environmental safety. The next step is to go to the Unsafe Structures

Board. If we go through the Unsafe Structures Board, the owners would be fined with a citation. We would have to schedule it with the County to have it put on their agenda. There will be a compliance statement, and if you didn't meet that compliance statement then there could be fees assessed. On the other side of the point, Chapter 27 - violations which are specifically for the overgrown of invasive exotic and non-native-species, there is already a warning notice and there is already a citation notice, the Village would issue another citation. You can appeal that but there will be a compliance statement.

During the dry season, the property is a tinder box. It's an accident waiting to happen. There are books from the individual, Mr. Troeger, who lived there. I have issues with this entire property because of code compliance, but I feel these people that are here, have done nothing. The end result is that I need to do my job and I am going to do it.

Chairman Novick: I would suggest that everyone come together that is interested in this property and see what you can come up with and maybe take it off your hands. It is your property and unfortunately the burden is on you.

Robert McKinney moved to approve staff's recommendation to defer the demolition request for 30 days so that the civic group can coordinate with the new owner. Gary Appel seconded the motion. Motion was approved by group vote.

Gary Appel	Yes
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Absent
Robert McKinney	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes
Edmundo Perez	Absent
Ronda Vangates	Yes

Robert McKinney exited the meeting following the vote for PH3.

VI. NEW BUSINESS:

NB2. Director's Report

Chief Kauffman gave a presentation on Surfside to the Board. It was the same presentation given to 4 of the 5 Surfside commissioners and at the public workshop held in Surfside on September 10, 2014.

Chairman Novick opened the floor for public comment after the presentation.

Stephen Norris: Thank you very much for such an elucidating and important presentation for all of us to gain an important sense of the value and uniqueness that Surfside has. If you recall the 1980s, before the Art Deco District was protected, it was basically little motels filled with retirees. Today, because it was protected, when you talk to people from all over the United States, from Europe, the one thing everyone says is, "Miami is South Beach." Well now our building, architecturally and historically, has value and is as significant as the Surf Club or any one of those buildings on Ocean Drive. I am imploring your Board to please take immediate action to prevent demolition of our building. The Board of the Seaway has already filed a demolition application in order to facilitate the destruction and demolition of the building, even though there are some owners who do not want to sell. The loophole in that law will ultimately permit the developer to takeover, buy the remaining owners out, and demolish the building. Significantly, what was presented here is very clear as far as the historical designation not impeding development but enhancing, beautifying it, and creating additional long term value for all the residents and all the visitors to our beautiful city, which allows people to come and admire the unique beauty and unique history.

Sarah Cody: I want to make the Board aware of all the facts. Obviously there is a lot of discussion and emotion related to Surfside and preservation. On today's agenda, we initially planned to include two initiations to present to you, both for condo buildings located in Surfside. In response to Commissioner Heyman's request that we not put items related to properties in her district on the agenda for 6 months, we decided not to include them. The Seaway is one of the buildings that we were prepared to initiate today, but again, in response to Commissioner Heyman's request, we made the decision not to place it on your agenda for today.

The Board, Staff, and Margie Robinson discussed/clarified the Commissioner's request to not place any items on the agenda related to properties in District 4 for a period of 6 months.

Chief Kauffman: Mr. Chair, in your preservation ordinance there's different ways to go about initiating designation procedures. One of them is petition by the owner. The owner of any property may petition the Board for the designation of their own property. Our [staff] initiations were taken off in response to the Commissioner's request.

Daniel Ciraldo: Can you explain this to the public? These are people that are here that want to save their building. You mentioned that one Commissioner asked you to hold off on this building, and I personally am very concerned about that as a taxpayer in this County. Can you explain how people that care about saving their own building from demolition at least can go about that?

Chairman Novick: What I don't want to see happen is, I don't want either the County Commission or the Town of Surfside getting upset with any action we may take regarding these items.

Attorney Kirtley: The ordinance allows for staff to initiate designation, or individual owners may do so. Staff chose not to, but if individual owners choose to, that is their choice to make.

JoEllen Phillips asked for confirmation from the property owners that they are there to request the initiation of designation procedures for the Seaway.

Stephen Norris: Yes, that is exactly why we are here. I would also like to speak for the third owner, who is in Milan, Italy. So I am imploring you, given the circumstances, to please take immediate action to initiate protection – a moratorium – for our building. Also, as a taxpayer and a property owner, I am somewhat confused on the issue on how one individual can come in and throw a monkey wrench in the machinery of your work. We have entrusted you to perform in good faith and in an effort to preserve and protect us as property owners of the Seaway, a uniquely valuable building, which is in immediate danger of being destroyed.

The mission statement of the Town [Surfside] itself references historic preservation. What is to be lost if our building is protected in the meantime while whatever studies that need to happen take place? I know that the power and independence of your Board is not going to be swayed by one voice, however loud that voice may be or wherever that voice may come from, because the independence and the integrity of your office would become an issue. So I thank you very much and please evaluate in good faith what I have said and I leave it in your good conscience. Thank you.

Board Members discussed the owner petition, and asked for clarification in terms of the proper procedure to follow.

Attorney Kirtley: Mr. Chair, I want to advise you as to what is legally sufficient, though obviously all decisions are up to the Board to make. An owner may ask for initiation, this is not a public hearing, this is an initiation process. There is a vote on whether the initiation process will begin. Then at that point, the moratorium comes into effect, staff will prepare a designation report then we set it for a public hearing subsequently, and within 60 days from the date of that the designation report has been filed with the Board, then it would come back as a public hearing with notice to the public for the actual designation. So there are two steps: 1.) The initiation, which triggers the moratorium; and 2.) there is the designation and public hearing. The owner may request for designation of the property and the Board shall, based on its findings, either direct staff to begin the designation process or deny the petition.

Board Members further discussed the designation process to ensure they understand the process when it is based on an owner petition.

Chief Kauffman: The way that you normally get initiations is from staff. It's not a public hearing for a couple of reasons. One, we may not produce enough information to you for you to direct staff to move forward with the full designation. An initiation is when information is brought to you and staff typically submits a near-complete designation report to the Board. But in the case of where you are getting a petition from an owner, an owner can come to the historic preservation board and can ask you to initiate the designation process. You have to determine whether they have submitted enough information to you that would make that property eligible for designation.

Ronda Vangates requested that the County Attorney read the 'Petition by Owner' subsection of the code into the record.

Attorney Kirtley: "The owner of any property may petition this Board for designation of their property as an individual site, district, or archaeological zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds the property may be worthy of designation. The Board shall, based on its findings, either direct staff to begin the designation process or deny the

petition. Nothing in this subsection shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.”

Chairman Novick requested additional information on the Seaway Villas, 9149 Collins Avenue in order to determine if the Board has sufficient information to approve the request. –

Stephen Norris: The building was built in 1936 by The Seaway Corporation.

Chief Kauffman: The Seaway Corporation was the corporation who started to build the first houses in Surfside to show that there could be a variety of architectural styles in Surfside. They were trying to bring people to the area. So they were actually the corporation that did some of the first houses in Surfside.

Sarah Cody: Once Surfside was incorporated, the Seaway Corporation platted their own subdivision along 91st Street. That is why the 1935 aerial shows virtually no development except along 91st street. That was the Seaway Corporation. They hired two architectural firms: Visscher & Burley out of New York City and Igor Polevitzky to design the buildings. This building [Seaway Villas] was designed by Visscher & Burley. They designed a number of the buildings along 91st Street, but mostly worked in the northeast and were more known for Collegiate Gothic style architecture. They designed a number of buildings at Lehigh University, and those are historically protected buildings. We can provide more specific information on the architects.

Gary Appel recused himself from the item at this time. He represents the Surf Club only in property tax matters, who may have an interest in this property.

Board Members discussed whether they should defer the request or move to start initiation procedures.

Staff confirmed that the Board has a procedurally valid request in front of them, based on a petition by the owners, and that the Board must decide what action to take based on the information provided. Staff also confirmed that they had previously performed a site visit to Seaway Villas and have determined that it meets the designation criteria.

JoEllen Phillips moved to approve the owner petition and initiate designation procedures for Seaway Villas, 9149 Collins Avenue. Rick Cohen seconded the motion. Motion was approved by group vote.

Gary Appel	Recused
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Absent
Robert McKinney	Absent for vote
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes
Edmundo Perez	Absent
Ronda Vangates	Yes

Chairman Novick confirmed with Staff that within 60 days, staff would prepare a preliminary evaluation/designation report for the Board and that all concerned parties would be notified, including the Town of Surfside, the property owners, and Commissioner Heyman's office.

NB1. Chair's Report

Chairman Novick reminded the Board that he serves on Miami Design Preservation League's Public Policy Committee. Through that committee, a few issues related to historic preservation in the County have been brought to his attention. Historic preservation is being attacked. Miami Beach's Historic Preservation Board just last week designated two districts in the north section of Miami Beach and the following day, the City Commission overturned that decision. That was alarming. Also the League of Cities may have passed a motion in which municipalities are seeking to 'opt out' of the County's purview with regards to their historic preservation jurisdiction, which includes those 24 municipalities that do not have a historic preservation board. Commissioner Heyman was very upset and she spoke at the Surfside Town Council meeting last week, chastising historic preservation. I think we need to become better proponents of our cause. We should each speak to the commissioner who appointed us and make sure they are aware that we are concerned. The strong historic preservation laws are looking to be diminished and they need to be apprised of what's going on. Preservation is very important. A lot of people don't see it, but the economics speak for themselves. Look at what's happened in the Art Deco District, Lincoln Road, and Biscayne Boulevard....we need to become more proactive. Again, I urge all my colleagues to speak with the commissioner who appointed you and make sure they understand what is going on. Do your best to educate them.

Dolly MacIntyre, Dade Heritage Trust requested to address the Board during the Chair's report.

Dolly MacIntyre: Speaking to your commissioners is a very important thing to do. They need to be educated, but I think you need to be careful and make sure that you all are educated first and that you have the ammunition at your hands to go ahead. One of the big questions that commissioners and people raise is that you are taking away people's property rights. The Supreme Court has held that it is within the jurisdiction of such a Board as this one to designate property without the owner's consent. It has been declared not to violate the Constitution by the Supreme Court, so that's a very strong argument for the legality of designating property with or without owner consent and that's very important information for the commissioners to have. Also there are documented financial benefits, documented social benefits of historic preservation. You need to have very specific information to give the commissioners.

Chairman Novick agreed with the points made by Dolly MacIntyre and directed Staff to prepare speaking points for the Board members to discuss with their individual commissioners.

VII. ADJOURNMENT

With no further business to come before the Board, Rick Cohen moved to adjourn the meeting at 4:53 p.m. Ruth Campbell seconded the motion.

Gary Appel	Yes
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Absent
Robert McKinney	Left meeting
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes
Edmundo Perez	Absent
Ronda Vangates	Yes

Mitch Novick, Chair
Miami-Dade County Historic Preservation Board

Date

Kathleen Kauffman, Historic Preservation Chief
Regulatory & Economic Resources Department

Date