

**Miami-Dade County Historic Preservation Board
Minutes of the October 15, 2014 Meeting**

**Stephen P. Clark Center
CITT 10th Floor Rear Conference Room
111 NW 1st Street
Miami, FL 33128**

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	Absent
Paul George	Absent
Robert McKinney	Present
Mitch S. Novick, Chair	Present
JoEllen Phillips	Present
Enid C. Pinkney	Present
Edmundo Perez	Absent
Ronda Vangates	Absent

Staff Members Present

Kathleen Kauffman
Sarah Cody
Jeff Ransom
Eddie Kirtley
Assistant County Attorney

II. APPROVAL OF MINUTES

JoEllen Phillips moved for approval of the September 17, 2014 minutes. Gary Appel seconded the motion. Motion was approved by group vote.

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

III. SWEARING IN OF THE PUBLIC

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

IV. PUBLIC COMMENT

Chairman Novick: We are going to take public comment on any item that is not scheduled as a public hearing. For those of you that want to comment on any matter this is the time. Please state your name and address and limit your comments to 3 minutes.

George Karam, 9149 Collins Avenue, Condo 101, Surfside, FL: Spoke against the designation of the Seaway Villas.

Linda Miller, Town Attorney for Surfside, and Ross Prieto, Building Official for the Town of Surfside: Stated that the Town wants to request a six month deferral on all historic designations in the town. Mr. Prieto stated a Phase 1 demolition permit had been issued already for Seaway Villas.

Chief Kauffman: Requested clarification on what a Phase 1 demolition permit includes.

Ross Prieto: The authorized agent decided to divide the scope of work into Phase 1 and Phase 2. Phase 1 addresses non-structural architectural features, such as retaining walls, walkways, miscellaneous slabs and other structures of that nature, not including the building. Phase 2 would be the building and that's how they decided to divide the scope of work under that permit.

Robert McKinney: When was the Phase 1 certificate for demolition issued?

Ross Prieto: They applied on August 14th and shortly thereafter they provided the plans that showed the division of the work. So it was mid-August.

Stephen Norris: Spoke in favor of the designation of the Seaway Villas in Surfside, FL.

Lucia Dougherty, 333 Avenue of the Americas, Miami: Represents Brian Campbell, who is one of the 6 condominium association members in attendance to oppose the initiation of the Seaway Villas designation. She requested that the item be deferred for six months.

Daniel Ciraldo: Identified himself as the Chair of the Public Policy Committee for the Miami Design Preservation League, but is here speaking on his own behalf. He stated that he a public records request to the County Attorney's office to see if the Preservation Board was ever in violation of its ordinance and was told there was no documentation to that affect.

Patricia Cohen, 9149 Collins Avenue: A condominium owner at Seaway Villas, spoke in favor of designation of the property.

Brian Campbell, 9149 Collins Avenue: A condominium owner at Seaway Villas, spoke against the designation of the property.

Chairman Novick: Closed the public comment session.

V. PUBLIC HEARINGS

PH1. Special COA #2014-37-S – Harry Troeger House
8940 SW 156th Street
Palmetto Bay, FL 33154

Chief Kauffman presented the Staff Report.

Staff's recommendation: That the Board approves a Special Certificate of Appropriateness for Deconstruction with the following conditions:

1. The property owners will make every effort to allow within liability and insurance allowances to the Friends of Harry organization to salvage any reminisce, architectural features, hardware, art or personal items from the structure within 15 days of the Board's approval before any partial demolition or deconstruction takes place.
2. Once the initial site clearing has taken place, the property owners shall undertake further photo documentation of the interior and exterior of the structure.
3. The property shall be deconstructed for the salvaging of usable building materials, including the coral rock, and shall make those building materials available for pickup from the site for a maximum of 60 days. After those 60 days, the property owners shall be allowed to dispose of the building materials at their discretion.

Jose Antonio Alvarez: I am the purchaser of 8940 SW 156th Street. I was here last month when you granted a 30-day extension. We met with the Friends of Harry group while the Board meeting was going on and came up with multiple ideas. I agreed to sell the property to them if they wanted to buy it, as they said they would. I also mentioned transporting materials to somewhere else and many others ideas were given and provided them with our phone number and email address. As of today's date, I've never been contacted with any ideas as to what to do or anything like that. I think I mentioned that Harry Troeger himself wanted the property to be torn down since it was an old structure and I mentioned that there was an article in the Sun Sentinel. So I went ahead and brought a copy of the article for you and would like to submit it to the Board and place as an Exhibit.

Also, I went ahead and approached immediate owners of the property to see what their thinking was and I got 3 letters from them requesting that the property be demolished. I went ahead and also approached builders in the area. Nobody wanted to provide a quote on it and everybody said, "You are crazy," and I can't try and spend resources getting this thing up to code, and could not find anyone that would say there is a way to bring it up to code. The Friends of Harry also included an architect who said that it is very hard to bring it up to code. So we came up with ideas and none of them has been put into effect and no one has approached me on any of this.

I have read the staff report, I have no problem whatsoever with the first recommendation basically giving them 15 days to remove stuff. I don't know if you recall that the Friends of Harry mentioned last time that they had gone through the books and things like that and I am probably assuming that they removed anything and I have no problem allowing them 15 days to remove any personal property.

I have no problem with condition #2. With regards to #3, I would like change it a little bit because it does say "shall be carefully deconstructed to allow the salvaging of usable building material" and then allowing 60 days for this. What I would like to do is allow the same 15 days allowing them to pick up their personal property and to provide me with 15 days' notice, if they are willing to pick up the structure/materials and then to take it away. What I don't want to do is to do a deconstruction; leave it on site; leave a nuisance there that might be something that is left there for people or kids to play in and someone gets hurt then I'll be at fault. So if they are willing to let me know within 15 days that they want to pick it up, I would be more than happy to give them another 45 days to go ahead and pick up whatever it is they need and take it away. So the 60 days I am fine with, but to give me 15 days to give me notice and I'll give them 45 days to do whatever they want to do is fine. I don't want to state that anyone can go in there and salvage usable building materials. I want to make sure that that person is a qualified someone that I know will be going there to salvage the material and personal items.

Amy Creekmur: I am here representing Friends of Harry with some other friends of Harry. I have prepared a package for you all and I will certainly give one to Mr. Alvarez after I go through with all of you.

Basically at the last meeting on the 17th when we met here, we all did meet. We left there with action points of what everybody needed to do to get their ducks in a row to come here now and discuss this in front of you. The Friends of Harry have come up with four viable constructive alternatives to demolition for the site that we would like for you to consider:

1. The first point is to create a passive neighborhood park at the existing site. In the package that you have in front of you, you'll see an example of one in Victoria Park that exists in an urban environment such as in Harry's. There is also another parcel like that in South Miami called the Van Smith preserve and so there are two existing passive parks that exist that we can use as an example to create that here.
2. The second is to sell the property to the adjacent neighbor. In your documentation there is a letter dated June 8th stating that the gentlemen was hoping to get the property through the tax deed sale and has proceeded to try to fix up the property so that all of the fines and unsafe terms given to it would go away. So that documentation is there as well. Mr. Mike Spinelli is still interested in purchasing the property.
3. The third item is to consult with an architect, such as Thorn Grafton, who did mention to the property owner at our meeting that this piece could easily be worked into a new

schematic plan. You just have to find an architect that has the vision of making a historic property remain and work around the current structure.

4. The fourth item is our longest shot and it is basically relocation of the structure. I did have Russell Building Movers come in and take a look and the document is there in your package. They came out and surveyed the property with me said yes, it can be done. He has an estimate of what it would cost to do so and in there is a strategy on how it can be done. He saw no reason why it could not be done. Another thing that is in your package is that there are funding options available to relocate a historic property. The first one is the special category grant that grants up to \$500,000 to do so and is in your package there and does exactly what we are looking to do. Also in your package, you will see a letter from the City of Coral Gables and money that the City of Coral Gables gave to restoring the Bahamian historical properties. We began conversations with the Mayor of Palmetto Bay; I've begun conversations with Commissioner Daniella Levine Cava about supporting to move this parcel into a place in Rockdale. And, as you heard last time, Helen Gage of the Bethel House is willing to have the property relocated to her adjacent parcel and use it as an educational facility.

Demolition is not an option here; if it cannot be relocated I only hope that the Board does what they can do to make sure that this jewel remains.

Rick Ferrer: Formerly of the preservation office, now at FIU, and President of the Arch Creek Trust which is a non-profit organization in Northeast Dade. I want to go on the record to oppose the demolition request both as an individual and President of my organization and I would like to remind the Board, many of you were there in the past, that this property has been designated for 15 years. The designation did not happen overnight and over a long process that took more than one year. Apparently the new property owner was not aware that there was a historic designation when he purchased the property, but there is something called "buyer beware" and you are supposed to do your homework when purchasing a property. What happens when a property is designated in court, it is protected and you just can't come and do anything here. When you have a historical structure, the first thing that you have to do is look at preservation of the site. Can this structure be incorporated into new construction? Yes it can. It can happen with the aid of an architect that does this kind of thing. I would like to remind the Board that it has been done repeatedly and it was done in Stonegate; not only with the main coral rock mansion but also with the Gatehouse which was in a shape that was much more deplorable than Harry's property. Only two retaining walls were kept and the new house was built right around it. So there are creative ways of thinking about this beyond keeping the structure in the same shape that it is in and can actually incorporate it, or you can actually create a park out of it or move it. So there are a lot of things that can happen here short of demolition and I believe that demolition, we are nowhere near that today.

Ari Millas: I've been involved in a number of preservation wars over the years here in Miami and in Miami Beach and I am a professional architect at University of Miami. My first thoughts were to echo what Rick just said. It is an old phrase that comes up that from the Miami Beach

days when it was painted on one of the buildings around the time of the designation and after the designation of the beach when the building was demolished: the words “Demolition is forever.” But more importantly is the fact that this is designated historically and doesn’t that mean anything now? How can someone come along and say we want demolition permits. There has to be or should be a process where it designates a property before any actions like demolition take place. You are the ones to guide us on that.

The other aspect of this is the importance that this is just a unique example of architecture because this is a handmade house. It is the only handmade house in Miami-Dade County other than the Coral Castle. This is totally handmade and to me for the community of Palmetto Bay they need every little bit of history to have in order to establish the values of community and districts. So this I find very important point to reaffirm what has happened here. The 1999 designation happened a long time ago, I was a friend of Harry then and my wife had been a caretaker of this unique man. One more point, I hear the argument of bringing this up to code. This building has to be an inhabited building to be up to code. At University of Miami where I teach, the whole art building which was a piece of wood with termites and the roof caved in my office; even that has been completely rehabilitated. My point is to reaffirm the historic designation of this property before you even consider demolition and you have to find ways of postponing this, especially to consider moving the building.

Jose Antonio Alvarez: I believe the staff went ahead and granted up 30 days to meet and come up with solutions and have the solutions ready for you. The other thing is when I said they could buy the property, I basically said you can buy it at the price that I’ve paid for. The only thing that I say is that if you want to buy the property, for the record it has to be kept as a historic property which is a non-buildable lot, which someone mentioned to me they wanted to do. Also the fact they mentioned they had the money. Now to come here after creating such a hardship on me 30 days later and come up with all of these things that none of them have been brought to me, I think it is an incredible hardship on my part.

Ruth Campbell moved to close the public comment portion of this hearing. Enid Pinkney seconded the motion. Motion was approved by group vote.

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

Robert McKinney: I would like to ask staff to accept the amendment to the staff recommendation requested by the new owner of the property.

Chief Kauffman: Yes, that is fine with staff, but I would like for the sake of some of the people who may not have been at the previous meetings. This issue first came to the Board last November. It's been a year. And then in May a bigger group of the Friends of Harry came again to this Board to ask for guidance, and were given the best guidance that the Board could give them at that time. So it is very frustrating as a historic preservationist to be recommending this on a historically designated property. We don't like to do that, but all along this Board has been telling the group called the "Friends of Harry" that there has to be some kind of solution but it is not up to this Board to find it.

The State grant option presented here today: the maximum you can get is \$350,000. These applications are due at the end of October, the State legislature selects them around March when they are in session and then the money is available around June. Additionally, the State grant is not an easy or quick solution, and it is not a sure thing. The drawings by Thorn Grafton are really interesting, and should have been given to the property owner at the last meeting. People need to understand that we have been dealing with this property since last November and there was the whole issue of nobody owning the property. Harry Troeger died almost 6, 7 years ago and nobody was responsible for the property, and there was nobody to deal with to figure out this conundrum until very recently when it had a new property owner. I'm also concerned that the new owner had this meeting with everybody after our last board meeting and nobody has bothered to talk to him since.

I appreciate all of the work that has gone into trying to figure out what to do with this, including talk about making it a public park or moving it to another location, but none of this can happen overnight. So if you, the Board, choose to allow them more time to figure this out you just need to understand that some of these proposed options are not quick remedies. Certainly not the State grant process.

Amy Creekmur: May I ask a question? We are "Friends of Harry", we want to preserve this house, we don't have the expertise that the staff has and in all due respect, we have not gotten guidance from the staff so now it is falling on the Board.

Chairman Novick: The point is you have had a month to communicate and come to some agreement with the property owner and purportedly nothing has transpired.

Amy Creekmur: It has taken time to come up with the data that I have supplied to you today.

Jose Antonio Alvarez: I just want to say that they went to the property with people, to look at my property and survey the property. Now I have never been told any of this. There are people going onto my property on their own without my knowledge. They have my phone number and email address, nobody has ever contacted me.

Enid Pinkney: Let me ask a question? Do the Friends of Harry have money?

Amy Creekmur: We are all private individuals and no we don't have money, we are not formed as a 501C(3); we don't do fundraising but you know there are viable options out there to fund historical properties outside of the two that I mentioned in your package. But that's now got to be the work of the owner of the property and with the help from the historic preservation staff.

Jose Antonio Alvarez: What I said was I would sell it to you for whatever price I paid. If you guys were also trying to buy it you could have bought it at my price. It's no big deal. The only caveat that needed to be done was to keep it as a historic/non-buildable lot.

Gary Appel: This has been going on since November of last year?

Robert McKinney: This has been going on for a while, for about 6 or 7 years. Last year, in November, the historic preservation board made a recommendation, and then last month, we approved a 30-day deferral. We approved that and we are bound by that.

Motion supporting staff's recommendation with the applicant's requested revision made by Robert McKinney. Enid Pinkney seconded the Motion. Motion was approved by group vote.

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

JoEllen Phillips: Addressed Amy Creekmur. Ma'am, you need to hear this please. Enid Pinkney and I are both in charge of big historic sites.... Sites that we restored which had been left basically for dead. We know the frustrations but we also know we were not creating any problems on a private property owner. The State grant option that you brought to us, this also happens to be based on an actual budget. We both have applied for this grant every year. So if you want to talk about writing grants, you should already have a budget ready. And, when you go to the State Legislature, you know that a lot of times you walk away empty handed. I'm sorry that this has gone on for so long, I deeply regret that this Motion has to be made, but in fact it has to move on here at some point. It has just come to a time here and I hope that there is going to be some way that you will be able to get things out of there and resurrect it some place.

VI. NEW BUSINESS:

**NB1. Submittal of the Preliminary Evaluation Report
Seaway Villas
9149 Collins Avenue
Surfside, FL 33154**

Chief Kauffman: As you know at the last board meeting in September, this Board voted to start the initiation processes on 9149 Collins Avenue, the Seaway Villas. Because that was an owner-initiated designation, there was no report to file with the Board. So this is a formality. We are filing it with the Board. You do not need to vote on this, you voted at the last meeting. The public hearing will be in November.

I would also like to say that there is a lot of misinformation going around about this item. After the last board meeting, every owner in this building got a letter from us dated September 24, 2014, in which it clearly tells them that at the September 17th meeting, a petition was made by some condominium owners to consider the property for designation. As a result, the preservation board directed staff to fully evaluate it and determine its eligibility. The letter goes on to tell them that the public hearing will be held in November. All of the property owners were notified of this in late September.

Chairman Novick: Thank you. County Attorney I have a question. Have we done anything erroneous or wrong? Have we not followed the ordinance as it should be?

Attorney Kirtley: That is a very broad question. Our office is not the ordinance police, but we certainly try to guide you the best way possible when you have asked guidance from us.

Chairman Novick: My comments are based on this: I watched the Surfside Town council meeting from last night; and I also watched Sally Heyman's presentation to their Town council the month before. It had been suggested that we had done something illegal and we are being investigated. Do you know of anything?

Attorney Kirtley: I don't know of any investigations, again we are not the ordinance police and we really don't comment on statements that other people have made.

Linda Miller inquired as to why this item was on the agenda for today.

Chief Kauffman: The initiation actually happened at the last meeting, but it was an unusual process because we don't often get petitions by the owners. When staff initiates, the designation report is already prepared. So this is the filing of the report with the board.

Lucia Dougherty passed out a resolution made by the residents of the association opposing the designation. She asked for the Board to consider a six month deferral of this item.

Chief Kauffman: A deferral has to happen at the public hearing. So at the public hearing in November someone can come and request the deferral. But even before the November meeting we are still happy to meet with anybody. We met with the Surf Club architects for probably a year and a half before they first came to present in front of our board.

Sarah Cody: Mr. Chairman I would like to make just one clarification: the six month deferrals made at last month's board meeting were very specific to the two public hearing

items for 9340 Collins Avenue and for the proposed historic district on the 9000 block on the west side of Collins Avenue. So that is what those deferrals were related to.

Chief Kauffman: This board has always honored the request from the Town for any deferral.

Linda Miller asked for clarification of what is happening today.

Chief Kauffman: This is just filing of the report with the Board. The Town can come and request the deferral at the public hearing in November. We will send out notices to every property owner, and the Town, of the time and place and date of the public hearing. We are legally required to send a notification within so many days before the public hearing, which will happen right after this meeting.

Gary Appel: I've only been on this board for a few months, but I served on the City of Miami's Historic Preservation Board for 10 years. You can either have the staff initiate a request to the Board, the Board can request, and an owner can request the designation. The actual ordinance states that an owner of the property can initiate, correct me if I am wrong, but that is a legal process. I think that the audience is looking for the legal explanation how we came to this and why it is on the agenda.

Chairman Novick: As I understood it, the motion passed last month for the 6-month deferrals was for a specific set of properties; it wasn't a blanket deferral across the Town of Surfside.

Robert McKinney: I don't recall giving a blanket 6 month deferral. If you thought the speed limit was 30 mph and you were driving 40 mph that doesn't make the speed limit 40 mph. Just because they thought that they had a 6-month deferral for all properties, does not make that the case. We keep telling you that it was two properties.

Chief Kauffman: The other thing that staff had agreed to do, based on Commissioner Heyman's request, was that staff agreed not to initiate anything for at least 6 months and that is what we have done and this is why it was not on any agenda last month.

Linda Miller: So in the meantime what happens between now and November 19th?

Chief Kauffman: In the meantime there is a moratorium on the property until such time the Board can take action on it.

Ross Prieto: When was the moratorium issued because I am the issuing agency, I have no paperwork whatsoever on any moratorium on the property, and I have a demolition permit.

Chief Kauffman: The moratorium kicks in when an initiation is given and a report is submitted to the Board.

Ruth Campbell made a statement regarding municipalities' ability to opt out, and that running your own preservation board is quite the experience.

JoEllen Phillips: Mitch let me make one comment. I would like to say that I have never met finer staff than what we have here in our historic preservation division. I was trying to figure it out today; I have been on this Board somewhere around 12 years, could be 14. I was also a

City Councilwoman in Miami Springs for 8 years. I have never met more diligent people and that included Rick Ferrer, who was sitting here a while ago. I felt a bit slapped in the face for them when I was hearing some of the stuff being said about them. We are a quasi-judiciary Board and we follow the letter of the law. Those two people sitting right there are the caretakers of that and they do it diligently. Some lady made a comment before about not getting any help from our historic preservation staff. I have never heard anything but kudos for the staff when other people have been trying to get help; they go out on their own time to get pictures and research, and do many helpful things. I think that if you talk to the staff they are terrifically well-informed and they will try to help get things moving as quickly as possible and then bring it here to us on the Board. So please make use of the resources that we have here because they are diligent, they are brilliant, and they are passionate about what they do.

NB2. Chair's Report – Chairman Novick discussed a new development project proposed for Miami Beach.

VII. ADJOURNMENT

Motion made by Robert McKinney to adjourn the meeting at 3:40 p.m., with second by JoEllen Phillips. Motion was approved by group vote.

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

Mitch Novick, Chair
Miami-Dade County Historic Preservation Board

Date

Kathleen Kauffman, Historic Preservation Chief
Regulatory & Economic Resources Department

Date