

**Miami-Dade County Historic Preservation Board  
Minutes of the November 19, 2014 Meeting**

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

**I. ROLL CALL**

The meeting was called to order by Chair Mitch Novick at 2:19 pm.

**Board Members**

Gary Appel	Absent for roll call
Ruth Campbell	Absent
Adriana Cantillo	Absent
Rick Cohen	Present
Paul George	Present
Robert McKinney	Absent
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 & Dennis Kerbel
Assistant County Attorneys

**II. APPROVAL OF MINUTES**

Enid Pinkney moved for approval of the October 15, 2014 minutes. Paul George seconded the motion. Motion was approved by group vote.

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

### **III. SWEARING IN OF THE PUBLIC**

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

### **IV. REQUEST FOR DEFERRALS & 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.

Public Hearing started at 2:20 pm

**Lucia Dougherty, 333 Avenue of the Americas:** She withdrew as counsel for the 26 condominium owners at the Seaway Villas that would like a deferral. She specified at the last board meeting she was representing Brian Campbell and other owners, but because of a conflict she needed to withdraw. For that reason, she suggests that Mr. Campbell and others in the condominium would like you to defer this item to another board meeting so that they have ample time to get counsel to represent them. In addition, it's her understanding that Fort Capital is the adjacent owner and they have made overtures to all of the condominium owners to purchase their site, have met with Historic Preservation staff and have come up with a plan that would be acceptable to everybody, including designation of the site. The condominium owners would like to meet with Historic Preservation staff and those folks that want it to be designated because she thinks there could be a resolution that could be beneficial to the County, the Historic Preservation Board and to the 26 owners, including Mr. Norris and Ms. Cohen, so for that she asks you to defer this item.

**Chairman Novick:** Spoke and defers to the County Attorney's Office. How would you suggest we proceed? Any objectors?

**Attorney Eddie Kirtley:** Requested clarification on how long a deferral the owners are seeking and if there are any objectors.

**Lucia Dougherty:** Mr. Campbell would request 4 months. There is a moratorium in place so there is no prejudice to the County. In that time, there could be a good resolution for everyone including the condominium owners.

**Steven Norris, 9149 Collins Avenue:** Objected against the deferral request.

**Sarah Sinatra, Town Planner, Town of Surfside:** Indicated that the Town had passed a Resolution the night before requesting a 6-month deferral on any and all items related to Surfside. This is not specific to the Seaway or the other items on our Agenda, it's in general. The Town Commission requested a 6-month deferral to understand the scope of what is being requested as well as to do their own analysis at this point. The Town is making that request and indicated she had copies of the Resolution to show staff.

**Chairman Novick:** A couple of months ago the Town requested another deferral of 6 months, how does this deferral differ?

**Sarah Sinatra:** The original request was on the first item that came forward, but now that the Town is aware that there is a continuing process... there were 2 items that were before you that the Town was made aware of...9340 and then the 90<sup>th</sup> block on the west side of Collins Avenue. They were made aware of it after the moratorium was issued and the Town wanted the opportunity to work with staff which we have continued to do with staff at the workshop at Town Hall. The Town Commission has requested that we ask for 6 months due to the amount of historic matters before the Town so that the Town can have a better understanding and can again work with your staff so that we can all come to an agreement. The County and County Commissioner has also been made aware and has an ordinance that has gone to first reading which makes modifications to the historic ordinance so there are a lot of items in play right now and the Town would like the 6-month opportunity.

**Terry D'Amico, Bay Harbor Islands:** She referred to the County Commission and the opt out proposal that they are asking for that is coming before the County Commission in December. In 4 month's time they can opt out, and I think that we should go ahead and hear these people because it is about avoiding the designation.

**Patricia Cohen, 9149 Collins Avenue:** Spoke towards the designation of the Seaway Villas. She relays that the HP Board has shown that the Seaway Villas meets the criteria that would warrant designation. So why are we interested in cities and developers...if it is meant to be designated, if the building is worth saving then why do we have to prolong this moratorium and 6 months deferrals? Just do what you were tasked to do designate the building. The building was the first historic building built in Surfside. Kathleen and Sarah have demonstrated that the building possesses so many characteristics that deem it architecturally historic. So let's stop beating around the bush and let's do what we are here to do. People are trying to buy time because they don't want it designated – let's just face the facts. No one likes to hear the sad reality, but it is too much money, and yes there is a deep pocketed interest, but that is not what you the board should be concerned with and I'm not telling you what to do, but at some point it should be clear that you should be excluded from politics, so I urge you to please save a beautiful building worth saving and not get distracted with all of these delays because it is only going to prolong the actions and if the building is worth preserving, we should do that and designate it.

**Frank Simon, Esq., Attorney for the Town of Bay Harbor Islands:** In addition to Surfside, the Town of Bay Harbor Islands on the 10<sup>th</sup> of this month (November) passed a Resolution in support of the County's ordinance allowing the municipalities to opt out of the historical designation procedure for County's to initiate their own. While there is discussion about "let's get it on" and "let's start things", I just wanted to let you know there is more than one municipality that wants the opportunity to be heard and/or in support of the County's ordinance allowing the municipalities to opt out and have their own historical preservation board and Bay Harbor Islands is one of those in support of that, the adjacent municipality.

**Brian Campbell, 9149 Collins Avenue:** Spoke against the designation of the Seaway Villas and requests that the Board postpone the hearing of the designation. Speaking on his behalf and on behalf of three other parties that own at the Seaway Villas that are not in the state currently and another owner not present today, they want to have the opportunity to address the Board in this important hearing and have their voices heard. In addition, we would like the opportunity to hire an engineer as we feel it is an important consideration for the Board to understand and know to make a decision as well as to be able to present the financial condition of ownership would be charged with maintaining this building should the designation be placed on it. We would also like to be represented by counsel and our counsel has stepped down today as you heard, and hope that you will consider these issues.

**C. Wallace Hume, 9195 Collins Avenue:** Urges the Board to make a decision today, she has read all of the paperwork when she arrived and seems that the Board has already made a decision based on the two criteria social, political, economical and the vernacular architecture, it meets those standards so she sees no reason to continue to delay. Surfside has already delayed four or six months in the past and is now trying to delay again in order to meet with your people. Why would they meet with your people, your people decide themselves you don't need to meet with the Commissioners in Surfside to decide these issues. Made reference to Mr. Campbell ordering an engineer's report, specified that building already underwent a 40-year recertification. Also stated wasn't sure why Mr. Campbell's attorney decided to withdraw as counsel, and why all of a sudden there is a conflict of interest, but agrees with Ms. Cohen: why keep delaying?

**Anamarie Kelly Stoppa, Bal Harbor:** First time having the pleasure of speaking before your Board. She usually speaks at Town Council meetings both in Bay Harbor and Surfside. She spoke about not knowing too much about historic districts but is trying and it is a learning experience for her. She's not sure why we are having a public hearing? From emails she has received from a representative and from an owner, it has already been decided. Staff has looked at the property; they have made a recommendation on how to correct problems that would interfere with keeping the building in a historic preservation state, but yet demolishing other parts of it. Started asking questions to the Board. So what is the statute of this ordinance relying on to establish the moratorium? Is that statute of ordinance retroactive? Do you agree with the Florida Statutes protecting home rule? Does your action by moratorium to supersede home rule and make the moratorium retroactive? I have here for you a town permit issued prior to the moratorium. Well from what I have learned from the statutes, there is no action that this Board can take retroactively and so I believe there is enough case law. I think there was one big case lost that you do not have the authority by statute, or ordinance or anything to act retroactively, so the Town of Surfside I get their point, I want it to go forward, I was at the meeting last night and I don't understand why they charged the association \$3,461 to demolish. They have the right to demolish.

**Tina Paul, Town of Surfside:** Spoke against the deferral. She had started a petition for the historic designation of the Town of Surfside and the Town of Bay Harbor and showed staff to

enter as an exhibit. She stated that she is still collecting signatures and read into record comments from people all over the world requesting to save the Seaway Villas.

**Chairman Novick:** Closed the public comment session at 2:40 pm.

**Paul George:** Made the motion to close the Request for Deferrals and Public Comment. Enid Pinkney seconded the motion. Motion was approved by group vote.

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

## **V. PUBLIC HEARINGS**

**PH1. Historic Site Designation  
Seaway Villas  
9149 Collins Avenue  
Surfside, FL 33154**

**Chairman Novick:** Addressed the County Attorney's office. Are we under any obligation to grant this deferral request, can we proceed to hear the item today?

**Attorney Kirtley:** The decision is the Board's, but you need to consider strongly the interest of the property owners. Some of them have come before the Board requesting the opportunity to get counsel that is not conflicted out, so that would be something for you to consider as well.

**Chairman Novick:** OK would it be your recommendation that we continue this item for 1-month?

**Attorney Kirtley:** We don't make a recommendation for you all, but for them to obtain counsel is something to be given serious consideration.

**Chairman Novick:** Defers to his colleagues.

**Paul George:** I think we should follow the counsel's suggestion in light of that issue since they certainly have the right to bring in counsel, which they don't have the right now. I think

we should follow Attorney Kirtley's advice on this and certainly give them the benefit of the doubt in terms of looking or bringing counsel to assess the situation. I would move then for a deferral continuance for 1 month.

**Attorney Kirtley:** Technically, it would be a continuance and you might also want to seek clarification because there was a request for 6 months and one was for 4 months.

**Paul George:** I would take the lesser of the two with four months being the maximum. I think by that point there should be counsel and there should be whatever advice has been distributed.

**JoEllen Phillips:** We only have the two choices: 6 or 4 months?

**Chairman Novick:** We can continue for 1 month to allow the property owners to retain counsel and bring it back.

**Rick Cohen:** I would be agreeable to a 1-month deferral. I don't want to keep seeing this getting kicked on down the road. We do have criteria, we do need to make a decision and get this moving.

**Paul George:** I will support a month.

**Chairman Novick:** Is there a motion to that effect?

**Rick Cohen:** Makes the Motion for a 1-month continuance. **Chairman Novick** seconded the Motion. Motion was approved by group vote. We will hear this item next month. Public Hearing ended at 2:40 pm.

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

## **VI. NEW BUSINESS**

**NB1.** Initiation of Designation Procedures – **Petition by Owner**  
Seaside Terrace  
9241 Collins Avenue  
Surfside, FL 33154

**Gary Appel:** Arrived at 2:50 pm.

**Chairman Novick:** We are going to allow any member of the public to comment on any agenda item that's not a Public Hearing.

**Joel Thurston, Seaside Terrace, 9241 Collins Avenue:** I would like to make an owner petition that the Seaside Terrace condominium located at 9241 Collins Avenue may be considered as an historic site/structure. It is in Surfside. The moratorium has slowed the process. He distributed pictures to the Board documenting the property. It was designed and built in 1948 by William Tschumy in a modern art moderne style. At that time, they designed and built two additional properties next door to each other, which were mirror images and no longer exist. From 1948 to 1985 the property was run as a hotel. In 1985 it was converted into 14 condominium units. My partner and I at that time purchased the building and converted them over and I have lived there since. I would like to review the photos.

**Chairman Novick:** Do you own the 14 units? And your partner owns how many units?

**Joel Thurston, Seaside Terrace, 9241 Collins Avenue:** We sold out in 1985. So I own 2 units and we sold out the remaining 12. I would like to review the photos if you have them. First two photos are a postcard dated 1963. You can see I have other postcards, but this one shows the statute of a man holding a marlin and also shows the other items. The other photos are from the front of the building. You see that the building has the wrap-around windows on the 1<sup>st</sup> and 2<sup>nd</sup> floors, the wrap-around eyebrow, wrap-around garden planters on the 1<sup>st</sup> and 2<sup>nd</sup> floors and the statute that is reflected in the 1963 postcard, so it has been there over 50 years. The next photo shows the breezeway leading into the courtyard. On the right you can see there is a collage of shells and basically plastic mermaids which were put into the wall at time of construction. When you get into the courtyard, the next photo, you are facing west. We have the original benches and planters around the building. You can see that the stairway leads up to the 1<sup>st</sup> end roof in that area. The following photo is also the 2<sup>nd</sup> floor and roof facing west. I believe the front doors are original, you can imagine how the large courtyard would have looked before the adjoining building was destroyed.

I would like to see after living there for 30 years and doing the conversion and everything else, that this property be safe. We have a lot of developers who are interested and have casted some offers on the property, even though it is a narrow, single lot, but I think it has all of the characteristics. Both Sarah and Kathleen have made site inspections. It was going to be recommended for initiation before the moratorium and at this point with another

moratorium requesting another 6 months, I would think at that time something will happen to the building. I've also been condo president for 30 years. Any questions?

**Sarah Cody, Staff:** If you remember back in September when we initially got the request from Commissioner Heyman for staff to not bring items forward in her district and we had told you that there were 2 condo buildings in Surfside that we had been planning on presenting for initiation, but out of respect for Commissioner Heyman's request, we decided not to. One of them was the Seaway, this was the other one. Both myself and Kathleen went out to the site and felt that it met the criteria and our evaluation is that it does meet the criteria. It would meet criteria A and C: the pattern of development in Surfside as well as the original mid-century construction on the beachfront and the architectural style.

**Chairman Novick:** Do we pass a motion that staff make a preliminary evaluation and designation report?

**Paul George:** Well, they have already done a preliminary evaluation, but not formalized it in writing.

**Sarah Cody, Staff:** Correct, we have not submitted a report to you on this building.

**Chairman Novick:** So if we should request you to proceed, can we have a staff report next month?

**Sarah Cody, Staff:** Yes.

**Chairman Novick:** Defers to his colleagues.

**Paul George:** I like the building, like the era, question I have is how many units are there? 14? How do some of the other folks feel about designation?

**Joel Thurston:** 14. Most (80%) of the unit owners have owned the property for the 30 years. We've only had about 2 units that have been resold in 30 years. So at this point, most of them use them as second homes, some others use them as rentals or investments. We were offered \$10M on the property 2 months ago. That is \$650,000 for a 650 square foot unit and they turned it down. 100% turned it down. That doesn't mean that if they come up with \$15 or \$20M for that little lump they might turn it down. At this point if someone offers them \$650,000 for a 650 square foot unit, they must like the building. A lot of people want to keep the building and at this point I just don't want to wait for Surfside to have the authority which they make at that time, and say "NO, NO, NO...the building doesn't meet the criteria."

**Paul George:** Well again I asked the question because it is a building with many owners and you answered the question. From what I am implying from your answer is that most of the owners, if not all of them, probably support the idea of designation. Does that seem to be the thing?



**Attorney Kirtley:** Mr. Chair maybe we should just reiterate to see if anyone else would like to speak on this item?

**Chairman Novick:** Is there anyone else that would like to speak on this particular item?

**Linda Miller, Town Attorney for Surfside:** States that the only reason she is standing here right now, you ruled on the request for the deferral on the Seaway Villas at withdrawal of counsel, but you haven't really addressed the Town's request for a 6-month deferral on any and all properties based on the fact that the Town is undergoing studies on development. So I am just asking also if you can consider that request.

**Chairman Novick:** Personally I believe you requested the same two months ago and it is still in effect and I don't understand the difference between that and today's request.

**Linda Miller:** Well first the initial Resolution and request was based on certain properties. The request that the Commission passed last night was based on the entire (any and all) properties in the Town because it seems like the Historic Preservation is stating this building and that building is historic and the Town itself is undergoing studies through a planner and our whole process so this is why it is not specific to any property. I just want to be able to go back to my Commission and report the collected decision of the Board.

**Chairman Novick:** I'm trying to consider what you are saying versus what this property owner is requesting and there is clearly a conflict.

**Linda Miller:** So this is a request from the Town of Surfside for a deferral, well ours was for the Town to study 6 months and to complete all of the analysis which we have incurred for the development of the properties.

**Chairman Novick:** Like I said I really don't see the difference with what you are asking today versus what we have already agreed to.

**Linda Miller:** How long did they get last month?

**Chairman Novick:** You have four months remaining. I imagine the Town could resolve. The Town is more than welcome to come back to us in 4 months. What is that February or March?

**Sarah Cody, Staff:** Yes, March. The biggest difference in the 6 months deferrals that they previously got is those were tied to specific public hearing items, but now they are asking for a blanket deferral for the Town of Surfside. So the deferrals that they already have are specific to 9340 Collins Avenue and the little historic district on the 90<sup>th</sup> block. They're requesting now a 6- month deferral for any and all properties in the Town.

**Chairman Novick:** The problem that I have is, are you agreeing not to hand out any demolition permits or not to provide any demolition permits for properties that may warrant designation?

**Linda Miller:** Well I don't have that authority. I know I've had a couple of conversations with the county attorneys about that issue, but I obviously do not have that authority to make that decision, that is a policy decision for my Commission which meets on December 9<sup>th</sup> and I could raise this issue if we are coming back here on December 17<sup>th</sup>.

**Chairman Novick:** Personally I have a problem with your request. I mean the Town's request. My colleagues may have other comments.

**Paul George:** Is that part of the deferral that there wouldn't be any demolitions or was it just particular for these buildings that we had the deferral pushed through?

**Sarah Cody, Staff:** With regard to those particular deferrals, those buildings have moratoriums on them. There is no blanket permit moratorium for the entire town.

**Linda Miller:** I just need some direction to go back to my Commission.

**Chairman Novick:** Your Town's commission is welcome to come back in March and seek additional time, but as far as a blanket moratorium regarding the entire town, I am uncomfortable with that personally, but I just speak for myself. Asks if any Board members have a contrary opinion. (No Board members dissent.) So we are going to deny your request.

**Andrea Romero:** Speaks against the designation of the Seaway Villas. She wants to let the Board know that currently there are 25 owners that are prepared to sell and have a financial burden of maintaining a building which is historical.

**Attorney Dennis Kerbel:** Addresses the Chair: you are talking about the building which is 9149 Collins Avenue, that item was already heard and closed.

**Chairman Novick:** Addressed Ms. Romero and indicated this item was already closed. Back to 9241 Collins Avenue. Should we request staff to prepare a preliminary evaluation designation report? Would someone like to make a motion to that effect?

**Ronda Vangates:** Yes, I would like to make a motion that we instruct staff to make a preliminary evaluation designation report, what is the correct terminology Kathleen?

**Chief Kauffman:** Prepare an initiation report and bring it back to you at the next meeting?

**Ronda Vangates:** Yes.

**Rick Cohen:** Seconded the Motion.

**Paul George:** Addresses the County Attorneys Kirtley and Kerbel. We got the deferral and now we are doing a preliminary report on the Seaside Terrace based on an owner-initiated request. Is this kosher in light of the other buildings and deferrals and everything else?

**Attorney Dennis Kerbel:** Right, you're doing this on a property-by-property basis and now what you have before you is a petition by owner, which is the way the Seaway had started.

**Chairman Novick:** Well in terms of Commissioner Heyman, we promised that staff would not initiate any of these designations. That was our agreement. All those in support of the preliminary initiation report say I. Motion was approved by group vote.

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

## **NB2. Chair's Report**

**Chairman Novick:** Presented his Chair's report. Today on Miami Beach the commission voted by a 5/7<sup>th</sup>s vote to demolish the MiMo Building at the border of Surfside (the former Dessert Land Hotel), original name was the Biltmore Terrace and that may come back as a possible property that somebody may consider designating, to be heard by the Beach's Historic Preservation Board. What will be put in it's place, assuming it gets demolished, is a Renzo Piano condominium, which is very high end. This is all I have to report.

## **NB3. Director's Report**

**Chief Kathleen Kauffman:** Do you remember the Harry Troeger item that you voted on at the last meeting? The Friends of Harry is appealing that decision and that will be before the BCC on December 2<sup>nd</sup>.

**Board Members** discussed with Staff and County Attorneys their ability to appear at BCC hearings related to Historic Preservation.

**Board Members** discussed with Staff and County Attorneys how designations get recorded.

**Enid Pinkney:** handed out a flyer that spoke about the Hampton House is sponsoring a concert “The Messiah” with Nicole Yarling as an artist and violinist and singer and also the Florida Memorial Chorus and some other great musicians. The date is December 14<sup>th</sup> at the Church of the Incarnation, 1835 NW 54 Street, and she would like everyone to support that and it is a free concert. She wants everyone to support the Hampton House and since everyone loves her she wants everyone to go [www.givemiamidade.org](http://www.givemiamidade.org) and give your donation to the Historic Hampton House Community Trust and we would love you also.

**Chairman Novick:** How is the progress on the Hampton House? When will we be having a meeting at the Hampton House?

**Enid Pinkney:** The progress is good, it is well under construction and it’s at 85%. I hope sometime in 2015. I will invite you.

## **VII. ADJOURNMENT**

Motion made by **Paul George** to adjourn the meeting at 3:15 pm, **Chairman Mitch Novick** seconded the Motion. Motion was approved by group vote.

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

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Mitch Novick, Chair  
Miami-Dade County Historic Preservation Board

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Date

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Kathleen Kauffman, Historic Preservation Chief  
Regulatory & Economic Resources Department

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Date