

**HISTORIC PRESERVATION ADVISORY BOARD
MEETING
JANUARY 27, 2011**

MEMBERS PRESENT: John Chalifoux, Chairman
Cynthia Beauford-Johnson, Gordon Bower, Bill Cote,
Nancy Lisby, Karen Lyons, Jan Sidebottom

MEMBERS ABSENT: John Hagerman

OTHERS PRESENT: Mitchell Austin, Urban Design Planner
Randy Cole, Building Official
Dennis Murphy, Growth Management Director
Maria Gauta, Jim Montgomery

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. February 24, 2011

APPROVAL OF MINUTES

- A. December 16, 2010 Meeting
 - Ms. Lyons clarified her statement on page 3 regarding the number of visitors/tourists to Punta Gorda as same related to the Board's proposed brochure.
 - Mr. Cote MOVED, Ms. Lyons SECONDED approval of the December 16, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Kelly provided a brief review of the procedures to which the Board must adhere during the following public hearing. She then swore in all participants.
- A. CA-01-11 - 501 East Olympia Avenue - Demolition
 - Mr. Mitchell Austin, Urban Design Planner, announced the subject structure was listed on the Florida Master Site File (FMSF) as having been constructed circa 1924. He noted the structure, which was listed for its architectural significance, was built as a single family residence in the Mission Revival Architectural style but then rehabilitated and converted to medical office space in the 1990s. He confirmed the structure was damaged by Hurricane Charley in 2004 after which, in April 2007, the property became the subject of Code Compliance Division action due to lack of repair to visually evident damage to the rear exterior of the structure. He commented on the Code Enforcement Docket provided in the agenda material, stating same provided a summary of the chronology of the case, #06-30629, from April 2006 to January 2011. He provided a detailed review of documentation included in the application packet, specifically a

National Emissions Standards for Hazardous Air Pollutants (NESHAP) Demolition Asbestos Survey for Commercial Building from Ardaman & Associates, Inc., and a structural engineering report from L&T Engineering Group, Inc. He observed the Ardaman & Associates report did not indicate any friable asbestos-containing materials while L&T Engineering noted various areas including “steel reinforcement,” “live load design requirement” and Americans with Disabilities Act (ADA) accessibility ramp and stairs which did not meet current standards for type and use. He summarized the latter report estimated corrective actions would exceed the property appraiser’s listed value of the structure, \$59,765, by 3 times. He recommended denial of CA-01-11 based on the relevant sections of the State Building Code, Existing Buildings, including but not limited to provisions of Section 302, Additions, Alterations or Repairs, providing a detailed explanation of same.

- Mr. Chalifoux asked why the applicant wished to tear down the structure.
- Ms. Maria Gauta, applicant, replied originally she had insufficient funds to repair the structure, which had continued to deteriorate and develop mold, adding its rehabilitation was cost prohibitive.
- Mr. Chalifoux asked if the property had been insured.
- Ms. Gauta replied affirmatively.
- Mr. Chalifoux asked if the applicant had received insurance funds for the damage incurred.
- Ms. Gauta replied affirmatively, in the amount of \$43,000. She mentioned costs associated with the demolition application as well as simple upkeep of the property had exceeded same.
- Mr. Chalifoux countered the engineer’s report provided in the agenda material was dated only a few months earlier, asking why the property was not repaired after Hurricane Charley upon receipt of the above mentioned insurance funds.
- Ms. Gauta replied \$43,000 was insufficient to effect all necessary repairs.
- Mr. Chalifoux asked if the Building Division had deemed this structure unsafe or unfit for habitation.
- Mr. Randy Cole, Building Official, replied it had not.
- Mr. Chalifoux confirmed Mr. Cole had read the engineer’s report, asking if based on same, the owner and general contractor would be required to meet the requirements of the 2007 Building Code.
- Mr. Cole replied in the negative.
- Mr. Chalifoux asked if Ms. Gauta had obtained a cost estimate from a State certified general contractor to repair the property.

- Ms. Gauta replied she had obtained a few quotes during the time immediately following Hurricane Charley, all of which were quite high; however, she stated she did not have those figures in hand this date. She then provided a brief, detailed description of some of the damage to the property.
- Mr. Chalifoux noted he was a general contractor, again asking if Ms. Gauta had a written estimate for the repair of the structure.
- Ms. Gauta replied affirmatively. She mentioned she had an existing contract with Mr. Jim Montgomery; however, the majority of contractors from whom she had obtained quotes were no longer in business.
- Mr. Chalifoux asked why the structure had not been protected from further damage.
- Ms. Gauta countered she had done so the week following Hurricane Charley through placement of boards and tar paper on the roof, acknowledging same had been damaged approximately two years later. She continued a tarp was then placed on the roof; however, wind and rain had negated the protection provided by same.
- Mr. Chalifoux asked if Ms. Gauta had attempted to sell this property.
- Ms. Gauta replied affirmatively.
- Mr. Chalifoux asked if a copy of the listing was available.
- Ms. Gauta replied she had listed the property with Mr. Jim Quinn, noting she had not wished to widely publicize the property's sale as she owned the entire block. She stated she wished to sell the entire block; however, there was little hope of doing so.
- Mr. Chalifoux commented this Board's purpose was to preserve historic structures.
- Ms. Gauta mentioned another structure, 515 East Olympia Avenue, had previously existed adjacent to the subject property, adding same had not been insured at the time of Hurricane Charley. She continued the City had denied the demolition of that structure due to its historic value; however, the City eventually allowed its demolition in May 2010.
- Ms. Lisby asked if the property would have better resale value if the requested demolition was allowed to proceed.
- Ms. Gauta expressed uncertainty regarding same. She reiterated the necessary repairs would be extremely expensive.
- Ms. Lisby questioned the make-up of the structure.
- Ms. Gauta replied hollow clay brick, stating she had been informed the side walls would likely fail if the rear wall was torn down.
- Mr. Chalifoux interjected he had not inferred the structure was unsafe and in immediate peril of collapsing from the engineer's report.

- Ms. Gauta countered she had retained a different engineer, Mr. Richard Kilmer, a few years earlier, who had recommended demolition as the property was not worth repairing.
- Mr. Cole pointed out the old Charlotte County Courthouse and City Hall itself were also hollow clay brick and were both successfully repaired/rehabilitated following Hurricane Charley.
- Ms. Beauford-Johnson questioned the condition of the interior.
- Mr. Chalifoux replied this Board had no concern with regard to any structure's interior.
- Mr. Bower asked why the insurance funds Ms. Gauta had received were not utilized to repair the structure.
- Ms. Gauta replied the funds were insufficient.
- Mr. Bower suggested the structure could at least have been fully protected from further damage.
- Ms. Gauta maintained many repairs were done early on to prevent further leakage into the structure.
- Mr. Bower pointed out a tarp did not represent a permanent repair.
- Ms. Gauta acknowledged same, reiterating the contractors' quotes she had obtained were excessive.
- Mr. Bower questioned the amount of costs to simply seal the structure off from outside elements, specifically asking if same had also been excessive.
- Ms. Gauta replied they were not; however, she asserted repairing the structure to allow it to once again be utilized would have been cost prohibitive. She commented her main concern originally had been to seal the leaking roof, adding she had been out of town at the time. She advised her son had sent people from Naples, Florida, to place a tarp over the roof.
- Mr. Bower opined the cost of a tarp would not approach \$43,000.
- Ms. Gauta agreed such cost had been approximately \$2,000; however, legal and engineering fees had quickly consumed the insurance money.
- Ms. Lyons asked if Ms. Gauta had any written estimates on hand.
- Ms. Gauta replied she did not; however, she recalled estimates of over \$100,000 had been cited.
- Ms. Lyons countered the Board needed written proof of same.
- Ms. Gauta offered to send the estimates provided to her immediately following Hurricane Charley.
- Ms. Lyons responded six year old estimates had no value.

- Ms. Sidebottom commented most residents who received insurance funds utilized same to repair and to ensure the safety of their homes, adding an expenditure of \$2,000 versus \$43,000 had not allowed the structure to be preserved.
- Mr. Jim Montgomery, applicant's demolition contractor, stated he had examined the structure several times, including with Building Division staff, at which time questions arose related to window replacement. He cited as an example a set of 4'x5' high, double windows mullied together which had only been set between the hollow brick inside the window opening, explaining same must be replaced. He clarified current Building Code would require either shutter or impact glass, adding there was no method available other than to attempt a friction fit. He advised there was little to which the window could be attached. He acknowledged the property could be repaired, offering to provide a written estimate to Ms. Gauta if the Board desired; however, he stated he was unsure if that estimate would be viable based on either the appraised or historic value of the property.
- Mr. Chalifoux asked if Mr. Montgomery was aware historic structures were not required to meet all requirements of the Building Code.
- Mr. Montgomery replied in the negative originally; however, he confirmed he had since been informed certain exceptions would be allowed.
- Mr. Chalifoux asked if same would affect the above mentioned estimate.
- Mr. Montgomery replied affirmatively.
- Mr. Chalifoux asked if the necessary repairs could have been made for the \$43,000 in insurance funds received.
- Mr. Montgomery replied he did not believe so.
- Mr. Chalifoux asked if Mr. Montgomery felt the owner could have sought additional funds from the insurance company.
- Mr. Montgomery replied affirmatively.
- Ms. Gauta interjected the statute of limitations prohibited from her doing so at this time; however, she confirmed she had attempted same early on. She commented on the significant expenses she had incurred in legal fees.
- Mr. Chalifoux asked if Ms. Gauta had documentation regarding those expenses.
- Ms. Gauta replied affirmatively, albeit not in hand.
- Mr. Chalifoux called three times for anyone to speak on CA-01-11.
- Ms. Lisby MOVED, Mr. Cote SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Sidebottom opined the current situation could have been prevented if more effort had been put forth immediately after damage was incurred.

- Mr. Cote opined all necessary steps had been taken to address the issue, adding through no fault of the owner, she made that judgment; however, in hindsight, Ms. Gauta should have addressed the issue before development of additional mold, deterioration, etc.
 - Mr. Bower agreed with Ms. Sidebottom in that the \$43,000 insurance pay-out should have been invested in the property, stating the primary action should have been thoroughly sealing the structure off from the elements.
 - Ms. Lyons commented it had been difficult finding contractors after Hurricane Charley, reiterating Ms. Gauta had battled with her insurance company. She clarified she understood \$43,000 could have been expended fighting for additional insurance money.
 - Mr. Chalifoux agreed the period following Hurricane Charley was unique, adding he was aware of the problems residents encountered dealing with insurance companies and contractors; however, he asserted more could have been done to preserve the structure from further damage. He expressed his belief insufficient evidence had been presented which would warrant issuance of the Certificate of Appropriateness.
 - Ms. Lisby MOVED, Ms. Beauford-Johnson SECONDED denial of CA-01-11. MOTION CARRIED UNANIMOUSLY.
 - Mr. Austin announced the Board's denial had the net effect of holding the demolition permit application in abeyance for 18 months from this date.
 - Mr. Chalifoux clarified Ms. Gauta had the right to immediately appeal the Board's decision to City Council.
- B. Historically Significant Trees
- Mr. Austin announced staff had placed this issue on the agenda as a discussion item, specifically the Banyan Trees in and adjacent to Gilchrist Park. He stated City Code required all listed species to be removed due to their invasive and potentially destructive nature, pointing out the list included all Ficus Trees. He advised Banyan was a common term for a species of ficus. He explained due to the species list and the pending Harborwalk West improvements, the City would be required to remove the Banyan and other ficus trees from Gilchrist Park; however, the subject trees had been present for over 50 years and served as a hallmark of the community; therefore, it may be appropriate to declare them historically significant. He clarified no action was required at this time; however, if the Board wished to grant such trees a local, historic designation, additional information regarding the history of the trees should accompany that designation, including history regarding the general area currently

known as Gilchrist Park, the specific areas and uses associated with the trees and a specific history of each tree or tree location.

- Mr. Chalifoux asked if the above mentioned historic designation would extend to personal residences.
- Mr. Austin replied affirmatively.
- Mr. Chalifoux commented he understood there was ongoing Code Compliance action throughout the Historic District relative to exotic, invasive, prohibited species. He opined if the Banyan Tree was a historic landmark, the same designation should be afforded to trees that had been in existence in the Historic District for many years.
- Ms. Lisby asked if this issue invaded property rights.
- Mr. Austin replied the subject trees were invasive.
- Mr. Dennis Murphy, Growth Management Director, interjected many of these plants/trees, etc., had berries which were eaten by birds and re-deposited throughout the area, adding same represented the biggest issue in that same was uncontrollable.
- Mr. Chalifoux reiterated the regulation must be consistent for all properties. He acknowledged public education was necessary regarding non-invasive species from this point forward; however, he was opposed to requiring property owners to fund removal of long existing plants.
- Mr. Murphy stated the City did have an existing ordinance prohibiting the planting of invasive species. He reiterated the most damaging species were those with seeds or berries which were relocated to other properties, adding Banyan Trees did not have same.
- Ms. Lyons asserted she had weeds in her yard which were invasive, asking if the City was going to take some action regarding same. She further contended requiring a resident to expend \$6,000 to remove such a tree was wrong. She spoke in favor of retaining the Banyan Tree near the Best Western; however, she maintained her opposition to a different set of rules for private property owners.
- Mr. Murphy stated if a property owner could demonstrate historical significance rather than solely the age of the tree, he would not be opposed to allowing same to remain.

C. Joint City & County Meeting

1. Proposed Meeting Dates – March 9, 2011 or April 13, 2011 – 10:00 a.m.
 - Mr. Chalifoux asked members for a consensus with regard to a preference of either March 9, 2011, or April 13, 2011.
 - Mr. Austin recommended the later date in order to accommodate the newly appointed Charlotte County Library Services Director.

- Mr. Chalifoux countered it had been quite some time since a joint meeting had been held, thus he preferred the earlier date.
 - Consensus of the Board was to set the joint meeting date for March 9, 2011.
2. Proposed Topics for Agenda
- No discussion.

UNFINISHED BUSINESS

Note: Item A was heard following Item D.

- A. Construction Guidelines and Board Input within the Historic Register District
- Mr. Chalifoux stated he had requested this discussion based on a previous Certificate of Appropriateness in which the Board's recommendation was not required, explaining in that instance the guidelines indicated the garage doors were not to exceed ten feet. He stated he felt same stemmed from previous years when there were no sixteen foot garage doors.
 - Mr. Bower commented a structure located on a corner essentially did not have a "back yard."
 - Mr. Austin agreed, stating such structures had two front and two side yards.
 - Mr. Chalifoux commented the guidelines were conflicting with zoning regulations, adding he preferred the guidelines as same kept the historic appearance of the district. He stated the windows were also changed on the subject property which did not follow the guidelines.
 - Mr. Austin stated the Historic Design Guidelines were used by staff solely as guidelines rather than being considered as regulations. He read from the guidelines with relation to detached garages, explaining the rear most corner of the lot was considered to be the rear yard on corner lots. He stated staff had approved two garages with sixteen foot doors to date. He concluded staff must follow the Land Development Regulations (LDRs) which did not consider the guidelines for the most part.
 - Mr. Chalifoux stated he had approached the City Manager with regard to the Board having more of a say in these matters especially demolition applications, explaining he had not yet received a response.
 - Mr. Austin responded the Board did have a say in demolition permits.
 - Mr. Chalifoux countered an advisory board chairman still merited a response from the City Manager. He again asked if the Board was in favor of the City allowing any type of structure to be built in the Historic District.
 - Ms. Lisby commented several structures had been constructed which were not consistent with the "look" of downtown.

- Mr. Chalifoux commented staff could not deny such requests based on the existing City Code.
 - Mr. Austin stated portions of the guidelines had been incorporated into the Code through the architectural portions; however, the remainder was not referenced.
 - Mr. Chalifoux stated he had been informed in some areas any change to a historic property must be approved by their board.
 - Mr. Cote opined there were more stringent rules in Punta Gorda Isles (PGI) than in the historic district.
 - Mr. Austin countered the only architectural regulation in PGI was with regard to the roofing material.
 - Discussion ensued with regard to the financial benefits from historic preservation.
 - Ms. Lisby mentioned Colorado had recently enacted very strict guidelines.
 - Mr. Bower opined newer residents chose this area primarily due to the “small town” feel of Punta Gorda.
 - Ms. Sidebottom stated Main Street Florida had performed a survey with regard to money earned by historic preservation and economic structuring, adding she could provide figures regarding same.
 - Mr. Chalifoux mentioned the City Manager had written a press article regarding the dollar value of historic preservation.
 - Mr. Austin commented consideration had been given to linking historic preservation to economic development, adding MSPG was one mechanism, as were scenic highway designations and utilizing the County’s library system for a historical archive. He suggested amending the codes to make the guidelines more enforceable by staff.
 - Further discussion ensued with regard to elements of the guidelines.
 - Mr. Chalifoux concluded this issue would be tabled, asking members to continue to consider same and be prepared for a discussion at the next Board meeting.
- B. Community Redevelopment Agency (CRA) Project Status Report
- Mr. Austin provided an update on Phase 5 of the Dr. Martin Luther King Jr. Boulevard and Harborwalk East projects.
 - Mr. Chalifoux questioned the anticipated completion date of the Carmelita Street project.
 - Mr. Austin replied he did not have that information in hand.
- C. Criteria for Award Program
- Ms. Lisby recalled the Board had expressed a wish to avoid diluting the value of the awards by issuing same too frequently.

- Discussion ensued with regard to the number of categories and frequency with a consensus to issue an award once per year.
- Mr. Chalifoux clarified the following categories would be considered: landscaping; and exterior remodel/restoration.
- Discussion then ensued with regard to the area to be covered.
- Mr. Austin recommended limiting same to structures listed on the FMSF. He stated if members wished to provide awards to non-historic structures, same should be limited to the designated historic district as it provided historic value to the district.
- Ms. Lyons voiced concern with going beyond the designation of the Board as being related to historic preservation, thus it should be limited to the local historic district.
- Mr. Austin concluded he would present a map of the district at the Board's next meeting to enable members to make a decision.
- Mr. Cote asserted members had been asked to fill out the criteria sheet several months earlier, adding he felt same would provide the needed input to bring the discussion to conclusion.
- Mr. Chalifoux agreed, adding he was willing to do his part; however, all members must participate to be successful. He concluded the discussion would be tabled to the next meeting; however, a decision must be made at that time or the award program dropped.

Note: Item D was heard following New Business.

- D. Discussion regarding Fund Raising for Historic Projects
- Mr. Chalifoux displayed the printed brochures, noting the cost of printing was paid by Mr. Hagerman. He expressed pride in the Board's proactive measures to raise funds, presenting a check in the amount of \$100 to begin the fund.
 - Ms. Lisby asked if a marketing plan was in place for the brochures.
 - Mr. Chalifoux suggested Ms. Sidebottom could assist with same due to her experience as Program Manager of Main Street Punta Gorda (MSPG).
 - Ms. Sidebottom stated there were five locations throughout the downtown area to locate brochures, adding MSPG also placed information at all Chamber of Commerce locations. She noted she averaged 400 brochures per month, thus people were picking up the information.
 - Mr. Chalifoux stated he had anticipated more people to attend the meeting based on the Certificate of Appropriateness for demolition, stating it was discouraging that more people did not recognize the uniqueness of the historic downtown. He urged members to promote same.

- Ms. Sidebottom suggested the Downtown Merchants' Association (DMA) be approached to see if individual business owners would display the brochures.
- Mr. Chalifoux stated he would attend a Council meeting requesting their support as well.

Note: Item E was heard following Item C.

- E. City of Punta Gorda Comprehensive Plan – Historic Element
- No discussion.

MEMBERS COMMENTS

- Ms. Lisby commented on revitalization efforts in the Trabue Woods area led by Mr. John Murphy, asking what funding was involved. She inquired if same would be appropriate in order to purchase the property at 501 East Olympia Avenue for rehabilitation.
- Mr. Austin replied he believed Ms. Lisby was referring to the “Andrews Building” on the corner of East Virginia Avenue and MLK, stating same was constructed by disaster recovery funds resulting from Hurricane Charley.
- Ms. Lisby explained she was attempting to determine if any financing was available to preserve the Olympia Avenue property. She expressed uncertainty as to the ability to do so as same was privately owned.
- Mr. Austin responded as the entire block was under the same ownership, the value of the property under discussion was such that it had more value as a part of the whole rather than individually.
- Ms. Beauford-Johnson asked if the property was restricted to medical use.
- Mr. Austin replied it was not.
- Ms. Sidebottom reiterated the insurance proceeds realized for the damage to the property should have been utilized to protect same so that there would have been no need to request demolition.

ADJOURNMENT

- Meeting Adjourned: 10:30 a.m.

John Chalifoux, Chairman

Mary Kelly, Recording Secretary