

**MINUTES OF THE REGULAR MEETING OF THE  
SANFORD HISTORIC PRESERVATION COMMISSION**

**WEST END CONFERENCE ROOM  
7:00 PM, MONDAY, FEBRUARY 27, 2012  
SANFORD MUNICIPAL BUILDING**

**Roll Call:**

**Commissioners Present:** David Nestor, Mark Lane, Cheryl Myers, Brandon Atkins, & Shannon Gurwitch

**Commissioners Absent:** Donnie Worley, Mike Humphrey

**Staff Present:** Susan Patterson, City Attorney  
Bob Bridwell, Director Community Development  
Bruno Pursche, Board Clerk

**Government Official Present:** Councilman Sam Gaskins

**APPROVAL OF THE AGENDA FOR FEBRUARY 27, 2012**

Chairman Shannon Gurwitch called the meeting to order. Board Clerk, Bruno Pursche called the roll. Chairman Gurwitch asked for approval of the agenda. Commissioner Nestor moved to approve the agenda as amended. Seconded by Commissioner Lane, the motion passed unanimously.

**APPROVAL OF THE DECEMBER MINUTES**

Chairman Gurwitch asked for approval of the December minutes. Commissioner Nestor moved that the minutes be approved. Seconded by Commissioner Myers, the motion passed unanimously.

There was no Public Comment.

**PUBLIC HEARING:**

Chairman Gurwitch asked the Board Clerk Pursche to discuss what transpired today with Mr. Humphrey and the previous discussion prior to last months meeting when we failed to have a quorum to hear his case. Mr. Pursche responded that he had called the members to remind them of the meeting in January; when he ascertained that there would not be a quorum, he called Mr. Humphrey and asked if it was alright if we continued his COA into the next month. He replied, he was glad we were not having a meeting since he wasn't feeling that well today; Mr. Pursche replied well do you mind, to which Mr. Humphrey responded what choice do I have; if we are not going to have a meeting, we are going to have to forward it into the next month to which Mr. Pursche replied Okay. Prior to this meeting I called Mr. Humphrey, he asked do you remember our conversation and I said I most certainly do. He said do you remember me saying no, that he would not except going into the next month; I said no that is not what you said. You said since we did not have a quorum, you had no other choice; he interrupted with I have the tape of our conversation and I said why don't

you bring that tonight and we'll all listen to it to which he replied well I'm not coming.

Chairman Gurwitch addressed Attorney Patterson regarding the legality of this board not acting on COA 11-73 within the required sixty days from time of submission. Mr. Humphrey was asked to present some additional photographs showing the yard from various angles, so we would have picture of how picnic shelter would be placed and whether or not it would be visible; the following month we did not have a quorum and the meeting in January was cancelled. We had planned on acting on this COA at this meeting but Mr. Humphrey is not here. Susan asked if Mr. Humphrey had submitted the additional evidence; Chairman Gurwitch stated he had been asked to bring them to the next meeting. Attorney Patterson explained that since this board opened the hearing and needed more evidence regarding this COA and was continued pending the additional evidence the board may continue the hearing to the next meeting.

**Commissioner Nestor moved to continue COA 11-73 application by Michael and Nancy Humphrey to the March 2012 HPC meeting. Seconded by Commissioner Atkins and passed unanimously.**

**OLD BUSINESS:**

Chairman Gurwitch asked for an update of the removal or COA application for two (2) seventeen (17) foot tall posts located at 503 Summitt Drive; no update was available. Chairman Gurwitch entertained a motion to table this action to the next meeting.

**Commissioner Nestor move to continue COA 11-73 to the March 2012 meeting and for the applicant to submit the information required to be submitted to staff. Seconded by Commissioner Atkins and passed unanimously.**

**Commissioner Nestor moved to table the update regarding the two seventeen foot tall posts located at 503 Summitt Drive to the March 2012 HPC meeting. Seconded by Commissioner Myers and passed unanimously.**

**NEW BUSINESS:**

Chairman Gurwitch discussed with the board that instead of a reminder phone call, they receive an E-mail a couple days prior to the meeting; Commissioner Nestor responded that the responsibility falls on the members of the board to let staff know if there is a conflict. Commissioner Atkins stated if there is not going to be a quorum; we should find out at the meeting and not cancel the meeting a few hours before we are to meet. Mr. Pursche recommended that when the agenda is E-mailed; a response by the members of I will or will not attend should be sufficient. The members concurred with this recommendation.

Chairman Gurwitch addressed the receipt of an anonymous letter, which other board members also received, which could not be corroborated because it was not signed. If members of the public have an issue to present and want to make a complaint to this commission, the commission needs to know who they are so we can properly address their complaint. The Board has demonstrated that they take all complaints very seriously and this Commission's obligation to the public. We encourage citizens

to communicate with their City Council Members; because City Council Members appoint members of this Commission and it is the City Council who has the authority to remove them. Commissioner Nestor added that there is the issue of the public protecting themselves from any backlash by not signing such letters. Chairman Gurwitch stated that this Commission has been well aware of an ongoing back forth between certain entities in the historic district, almost like a school yard back and forth, using this board to perpetuate their own feud. She would encourage the general public who has a concern contact their Council representative or contact the chair or vice-chair in person to resolve any concerns.

Commissioner Atkins responded that this is a good discussion to have at this time; the board would like some guidance from City Council; when you have moved for the very first time into a historic district and you have to adhere to all these rules and you have a body who are making decisions on what they can and cannot do. Mr. Humphrey has done some pretty questionable things; it is well documented; while having a yard sale citizens walk into his yard and find he is on the Historic Preservation Commission, he has to answer some legitimate questions. He needs guidance from council as what to do when such an incidents occur. Councilman Gaskins responded that the Commission has done everything right so far. The council should have had this information available, regarding Mr. Humphrey, when he was being considered for reappointment. There was a discussion regarding the appointment process and how the public could have some say as to who gets appointed. It was proposed to keep Chairman Gurwitch in the loop regarding applicants for the HPC.

Chairman Gurwitch allowed Mr. Roethlisberger to address the Commission regarding the canceling of meetings, appointment of commissioners and the rules and procedures which were rewritten in 2010; it was discussed how to deal with problem commissioners and how we did not want to prosecute one another within the board body, but allow that function to stay with City Council. One thing which concerned Mr. Roethlisberger is that there was no impeachment process and be able to submit a package to City Council for them to work with. Commissioner Nestor added that such action maybe a Chairman function to oversee and be in charge of commissioners who need to be discipline. Mr. Roethlisberger addressed the issue of indefinite unexcused absences by commissioners that they could not fill their role or bring value to the meeting; he believed the board considered in their rules and procedures that if a member missed 3 unexcused consecutive meetings or 4 unexcused meetings in 12 month period, staff would make a recommendation to Council for replacement of the commissioner. He further addressed transparency and public relations between this board and the public to be consistent in the decision making process. The last line of the introduction to the proposed guidelines which he wrote, 'in all cases the goal of the committee was to make the job of the HPC easier or fair consistent and predictable while fulfilling the requirements for Historic Preservation, rehabilitation, restoration, and reconstruction and a balance between Historic Preservation and the historic property owners'. He thinks that if the board reaches for that goal or as close as possible, this body will be very successful.

Commissioner Gurwitch responded, regarding discipline, that all members of this board are equal; she doesn't believe there should one person to deal out discipline, what this board did was hold a hearing to discuss the impact of certain alleged behaviors on the board and its ability to make decisions in an unbiased fashion to serve the public. It should not fall on upon one person to deal out judgement upon others particularly when we sitting at this table are representing the public.

Commissioner Atkins added that possibly this board could make a recommendation to council to have him removed from the Commission; he would have to respect that process. Commissioner Gurwitch reiterated the choices the board had based the information available at the special hearing; 1) Do nothing, 2) recommend oral or written reprimand, 3) admonish the individual, 4) recommend to City Council to have the member removed. Subsequent we have received an anonymous letter by the public for the board to act on. Commissioner Atkins opined that we need to move closer to maybe a second vote on that issue just because the amount of time we are spending on it. It is not just about time; he is a big believer that if there is sufficient smoke there may be an issue which needs to be considered. He would rather consider things which will benefit the community, than talking about the same person (Mike Humphrey) at every other meeting. Commissioner Atkins questioned whether or not there have been sufficient complaints for this to be a legitimate issue for us to act on; because frankly he is tired of spending his time at this board table discussing Mike Humphrey, this is not something we signed on to discuss when we are trying to benefit the historic district of your City and downtown. A discussion continued among the membership, based on information given previously by the board clerk and that the poles in his backyard have not come down; these would be the new issues to be considered. Chairman Gurwitch recommended that an agenda item be added at some future meeting; for discussion of action by the Commission with a recommendation to City Council that they remove this individual. Attorney Patterson advised the Commission how to go about having this issue on the agenda and discussing it formally and making a recommendation; individually the members can let the council know how you feel.

Chairman Gurwitch addressed item b1 of the agenda titled **Second Violation Letters**; Mr. Bridwell questioned what the commission wants to do about second violation letters. Staffs normal routine is to send a violator a courtesy letter and sometimes there may be language that if you do not comply, these may be the consequences; for Sanford this works fairly well. When we don't get a response there needs to be some kind of follow-up; the normal action is that we send a harsher letter that says these are all the consequences, you need to take care of these issues immediately and if you don't this will be followed up with punitive action. However staff wants direction from this board as to the notification process of property owners who may be in violation of guidelines. Chairman Gurwitch shared concerns in the difference in the courtesy letters which were sent to two different individuals. She feels these letters must be consistent and specifics should be referenced to all individuals when someone is in violation. Chairman Gurwitch wants the initial notification to be specific and she had a problem with anonymous complaint being used in the letter. It was decided that after a courtesy letter is sent, staff will send a second violation letter.

**Commission Myers moved that for second violation letters which are noncompliant that the matters come before the board with evidence from staff so the board can determine how to move forward. A third letter to be presented by the HPC Board offering the home owner to present his case before the board. Seconded by Commissioner Nestor and passed unanimously.**

Attorney Patterson advised the board regarding the possible inaction on part of the property owner in regards to their failure to comply with the first two letters and to show up before the board based on the third letter.

Mr. Bridwell explained the Local Landmark Designation Process which will be coming before the City Council on March 20, 2012 and the importance that a quorum of Commissioners be there for

the public hearing. A quorum of Commissioners will be there on March 20, 2012

Staff provided updates on minor approved COA's (see list included by reference)..

**ADJOURNMENT:**

Commissioner Nestor made a motion to adjourn. Seconded by Commissioner Atkins, the motion passed unanimously. The meeting adjourned at 8:31 PM.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
**Chair, Shannon Gurwitch**

**ATTEST:** \_\_\_\_\_  
**Clerk, Bruno Pursche**