

Minutes of the Regular Meeting of the  
Sanford Historic Preservation Commission  
West End Conference Room  
7:00 PM Monday, May 23, 2016  
Sanford Municipal Building

Roll Call:

Commissioners Present: Matthew Sakurada, David Nestor, Brian Mitchell, Philip Yarborough  
& Allen Gordon

Commissioners Absent: Daniel Owens

Staff Present: Liz Whitmore, City Attorney Susan Patterson, Anne Sears, Secretary to the Board,  
Al Benschhoff, The Brough Law Firm, PLLC.

Government Official Present: City Councilman, Sam Gaskins

Chair Nestor called the meeting to order.

1. Staff Anne Sears called the roll and a quorum was determined.
2. **Approval of the Agenda for May 23, 2016:** Staff Whitmore asked to add under Old Business (d) the discussion of members. Chair Nestor called for approval of the agenda as amended for May 23, 2016. Commissioner Sakurada moved to approve the agenda as amended; seconded by Commissioner Mitchell and the motion passed unanimously.
3. **Approval of the April 25, 2016 Minutes**  
Chair Nestor called for the approval of the minutes for April 25, 2016. Commissioner Yarborough moved to approve the minutes for the April 25, 2016; seconded by Commissioner Gordon and the motion passed unanimously. At this time, Susan Patterson introduced Attorney Al Benschhoff. He will be advising this board; relieving Attorney Patterson. He asked staff Whitmore to send his phone number and email to each of the commission members.
4. **Public Comment:**  
Chair Nestor asked if there was any public comment. There was none.
5. **Old Business:**

**a. DISCUSSION of SIZE of COMMISSION:** Staff Whitmore stated that the board had previously discussed going from seven members to five members and Director of Planning Marshall Downey had taken this to City Council and to Lee County and everything was going well until we discovered we had five applicants applying for this board. It was pulled from tonight's agenda in Broadway by Planning Director Marshall Downey. Staff suggested that the Board consider 5 members with two alternates. Staff Whitmore stated that the alternates would attend the meetings in case there are not enough members to make a quorum. Attorney Patterson stated that she didn't understand why the board would want alternate members and she asked staff Whitmore what is Marshall Downey's plan? Staff Whitmore said his reasoning was that in the past we didn't get enough applicants and sometimes we had a hard time meeting our quorum. Chair Nestor shared that he had served on this board for six years and that the board had only failed to assemble a quorum once. Attorney Patterson added that an alternate is usually a standby you can call on. Staff Whitmore wanted to know how the board felt about a five-member board with two alternates? Commissioner Yarborough asked what the incentive was for the two alternates to make a big effort to come? Councilman Gaskin relayed that we have had more of a turnover with this board than people not wanting to come. Staff Whitmore and Chair Nestor said that either of them did not see any significant issue; but it could make it harder for the commission to make a decision if the alternates were there. At this time Chair Nestor asked the commissioners what direction they are leaning

towards; either five or seven members. Commissioner Gordon stated he preferred to have seven members, Commissioner Mitchell leans towards seven members and his reasoning was that trying to get someone to show up at the last minute would be harder than trying to get four regular commissioners out of seven to make a quorum; due to the fact that the alternate wouldn't be able to vote on the case. Attorney Patterson explained that if you run into a situation where the alternates show up and you have regular attendance; that they get discouraged and they ask to go home. Staff Whitmore added that the board only has one slot to fill. Commissioner Gordon has asked to be reappointed, Commissioner Sakurada will be leaving in June and Commissioner Hubner has moved. Councilman Gaskins asked the board not to think about all the people that have applied; that they can be placed on other boards. Attorney Patterson asked about Commissioner Daniel Owens attendance and when his term ended? City Council will have to determine whether or not to end his term. Staff Whitmore said that Commissioner Owens did orally state that he wouldn't be attending any meetings and his intention is to resign; but we don't have anything in writing. Chair Nestor asked staff Whitmore to send him a form letter to sign. Commissioner Owens has missed more than three meetings in a row and the commission feels like City Council would act on this quickly if it is brought to their attention. Staff Whitmore said she would let city clerk Bonnie Davis know so she can proceed with the paperwork. Chair Nestor asked the commissioners what their wish is, either five or seven commissioners to serve on this board with or without alternates. Commissioner Gordon, Sakurada, Yarborough, Mitchell and Chair Nestor all agreed to continue to have seven members on the board with no alternates. Chair Nestor asked staff Whitmore to let Director of Planning Marshall Downey know how everyone felt. Attorney Patterson added that it is currently a seven-member board, the majority must be qualified by special interest, knowledge or training in subjects such as history or architecture and all members must live in the planning jurisdiction and at least one member of the commission should either reside or own property in the historic district. Staff Whitmore told the commission that she needed to send an opinion back to Marshall Downey. The commissioners agreed not to have any alternates for this board. Attorney Patterson shared that you have to have all three planning jurisdiction for approval. Staff Whitmore stated that it passed in Sanford, it passed in Lee County and they pulled it from Broadway's agenda. Attorney Patterson stated that right now it is in limbo. Chair Nestor shared that until it reaches a unanimous decision from the City, County and Broadway that there is no action on it; so at this point and time the board will continue to work with seven members.

b. ROSEMOUNT McIVER PARK HISTORIC DISTRICT GUIDELINES, DISCUSSION of REVISIONS TO GUIDELINES ADOPTED APRIL 5, 2016: Staff Whitmore asked everyone to look at page 32 sub-section (g) of the guidelines. She stated that she and Attorney Patterson has looked at it briefly and where it states that the evaluation of a tree condition must be made by a certified arborist, landscape architect and a designated city or county resource should be struck out of the current guidelines because that standard is not followed. Attorney Patterson noted that the forest ranger does count; but he will not put anything in writing but his decision does counts. Attorney Patterson shared that basically what this board is trying to do is to figure out if the correct person is determining whether the tree conditions matter. Staff Whitmore relayed that the tree survey was done in 2008 and just because we strike the requirement doesn't mean she can't have a forest ranger out there, which she said she would always do and get their opinion.

Attorney Patterson shared that in the past we have had three cases at least where we had not had a written opinion that was required by your guidelines; so if you don't want to do it; take it out and if you don't take it out, do it. A motion needs to be made. There was no other discussion among the board. Commissioner Yarborough moved that we strike the evaluation by the trees condition that must be made by a certified arborist, landscape architect or designated city or county resource to be corrected (struck) from the guidelines on page 32 sub-section (g); seconded by Commissioner Gordon and it passed unanimously.

Staff Whitmore asked if we need to take it back to Council. Attorney Susan Patterson stated no; that they do not adopt it; they only approve of the adoption.

c. DISCUSSION ON POTENTIAL VIOLATIONS: Staff Whitmore read the list of violations to the board and included photographs for reference. She stated that some of these violations have just recently happened and some of these issues could reflect the old guidelines. Staff Whitmore asked the board to please let her know if they knew of any other violations. Staff Whitmore stated she will meet with citizens one- on -one to discuss violations.

c. Staff Whitmore noted that we would not bring the discussion of the Revisions of the Rules and Procedures tonight; because it would be put on hold until the decision is made about the number of board members chosen.

**6. New Business:**

a. MURAL PHOTOGRAPHY: Staff Whitmore relayed that a Mr. Mike Sayer is going to take pictures of all the murals in downtown as soon as possible. Staff Whitmore said she hopes to use these photographs for advertising and marketing the murals. He was generous to step forward and offer to do this at no cost. Staff Whitmore stated he was recommended by the Lee County Arts Council. Mr. Sayer met with Joanne Thaxton and herself.

**b. STAFF UPDATES:**

1. CERTIFICATES of APPROPRIATENESS: Staff Whitmore provided updates on minor and major approved (COA's) (See list included by reference)

Staff Whitmore relayed that DSI will be replacing the wooden trash containers in Depot Park. She noted that there are three trash cans that sit on the grass and they want to pour four by four-foot concrete pads for those trash cans to sit on. Staff Whitmore said they had poured a cement pad in front of the stage without a COA so all of this will come before the HPC board at our regularly scheduled meeting in June. City employee Fedd Walker was not able to be here tonight to present the case. Chair Nestor stated he wanted to address the two PVC bollards in the Park and he would like to see them removed. Staff Whitmore said her suggestion would be to make them public art. Commissioner Mitchell asked if they plan to put recycle bins alongside of the trash cans? Staff Whitmore said no.

Attorney Patterson asked about the brick wall at 206 S. Steele Street that was recently hit by a car. Attorney Patterson asked the board if they were giving staff Whitmore permission to approve this as minor work? Staff Whitmore said originally the wall was vinyl and brick and staff Whitmore noted that she could have approved it as minor work for removal of the vinyl only. Commissioner Sakurada moved that for COA- 16-20, at 206 S. Steele Street, that the commission gives staff Whitmore permission to approve it as minor work because (i) it is an emergency that needed to be repaired, (ii) the existing vinyl siding will not be replaced and (iii) the brick wall contains numerous types of unmatched brick. The motion was seconded by Commissioner Yarborough and it passed unanimously.

Commissioner Mitchell wanted to know if the drainage cuts had been done downtown and Chair Nestor said yes.

**7. Announcements:**

Staff Whitmore shared that the African-American mural is completed and looks good. The property owner of this building plans to come back and build a box to cover the air conditioning unit and paint it black so it won't be so visible.

Staff Whitmore stated that she has received three proposals for the Glider Pilot Mural. This mural is being paid for by the families.

Staff Whitmore added that the contract has been signed for the Famous Fabulous Hudson Hornet. This mural will be placed on the side of the Advantage Auto Building on North Steele Street. Staff stated that they are waiting on the money for this one.

8. **Adjournment:**

Chair Nestor called for adjournment. Commissioner Sakurada moved to adjourn; seconded by Commissioner Mitchell and the motion passed unanimously. The meeting adjourned at 8:00 pm.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2016

Respectfully submitted:

\_\_\_\_\_  
Chair: David Nestor

Attest: \_\_\_\_\_  
Secretary to the Board: Anne Sears