

Florida Historical Commission
Web Meeting, Zoom, Meeting ID: 817 1355 2830
Thursday, February 20, 2025 - 9:00 a.m. to 10:00 am

Meeting Minutes

Commission Members Present In-Person: None

Commission Members Present Via Webinar: Dr. Judy Bense, Chair; John Browning Jr.; Parker Destin; David Drysdale; Dr. Michael Francis; Rick Gonzalez; David Hoyt; Kathleen Kauffman; John Phelps; Frank Terraferma.

Commission Members Not Present: None

DOS Staff Members Present: Alissa Lotane, Director and State Historic Preservation Officer; Ruben Acosta, Chief, Bureau of Historic Preservation; Khara Fleming, Executive Assistant; John Grandage, Assistant Director; Jeremy Heiker, Historical Marker Program Coordinator; Dr. Sarah Liko, Operations Manager; Jon Morris, General Counsel; Jillian E. Pratt, Assistant General Counsel; Dr. Angela Tomlinson, Assistant Director.

Members of the Public Present: John Harbilas, Senior Planner Zoning Official for the City of Winter Park; Allison McGinnis, Planning Director for the City of Winter Park; Betsey Owens, Director of Casa Feliz Historic House Museum; Ryan Phillips of Winter Park, Florida; Mark Tarmey, Preservation Architect.

Item I. Call to Order and Roll Call

Dr. Bense called the meeting to order at 9:00 a.m. and asked Khara Fleming to call the roll. Quorum was confirmed.

Item II. Introduction of Commission, Staff & Guests

Dr. Bense asked the commissioners, staff, and guests to introduce themselves.

Item III. Adoption of Agenda

Dr. Bense asked for a motion to adopt the February 20, 2025, FHC meeting agenda. No additions or corrections were made to the agenda. **Dr. Judy Bense moved to adopt the agenda; Rick Gonzalez seconded; the motion passed unanimously.**

Item IV. Information on Winter Park Historic Preservation Ordinance

Dr. Bense recognized Dr. Angela Tomlinson to give the commission, staff, and guests an overview of the Winter Park ordinance. Dr. Tomlinson began with a recap of what occurred at the February 7th FHC meeting. During the last meeting, while discussing other business items, Mark Tarmey brought to the attention of the FHC a proposed update to the Winter Park Historic Preservation Ordinance, particularly a provision that would penalize individuals for unauthorized alterations to and demolition of historic resources. During the February 7th FHC meeting, commissioners passed a motion, made by Parker Destin, to have Dr. Bense draft a letter expressing the commission's concern with the ordinance. Following the meeting, after

consultation with Dr. Bense and DOS General Counsel, it was decided that an additional public meeting was needed to have more discussion on the ordinance before a decision could be reached regarding the letter. After the FHC meeting, Dr. Bense wanted assistance from other commissioners. General Counsel recommended that a public meeting be held to discuss and vote on the language of the letter before sending it to Winter Park. Staff reviewed additional information from the Winter Park City Commission meeting as well as a draft of the proposed letter. Due to the Winter Park City Commission not being present at the last business meeting, it was determined that they would attend the February 20 meeting to answer questions and concerns.

Item V. Discussion and Consideration of Draft Letter from FHC to Winter Park

Dr. Bense recognized Allison McGinnis, Planning Director for the City of Winter Park, to give an overview of proposed changes to the ordinance. Ms. McGinnis explained that the purpose of the proposed changes to the ordinance was to update it to reflect newly adopted practices in response to previous violations as well as provide predictability for residents. One such violation had been discussed at the previous February FHC meeting. In summary, an applicant for a property in Winter Park at 965 Lakeview Drive received approval by the Winter Park Historic Preservation Board for renovations and additions to their historic property on April 23, 2023. The existing structure on the property has since been 90% demolished due to lack of oversight by the construction company. According to the City's Land Development code "more than 50% of the home is not allowed to be removed, or the applicant must rebuild the existing home to the current required setback." After discussion over multiple meetings, the Winter Park Historic Preservation Board then moved "to permit the existing altered and demolished condition of the house," keeping variances by the board under the condition that:

- A façade easement be granted on the house prior to the Certificate of Occupancy to the City, with terms acceptable by the City,
- That the contractor pay \$100,000 into the City's Historic Preservation Fund, and
- In one month's time, a Board review is required of an updated architectural set of construction drawings for the property, subject to approval by the board, including historically correct call outs for all materials, windows, doors, and details.

After McGinnis' presentation, Kathleen Kaufman was recognized to discuss the draft letter from the FHC and the proposed changes to the ordinance. After hearing Ms. McGinnis's presentation, Kaufman felt the proposed changes to the ordinance were sound and the amendment was strong. Dr. Bense asked if there were any further questions or comments from commissioners or guests. John Phelps raised questions about the draft letter and whether DHR staff had had a chance to review it. Dr. Tomlinson was recognized to answer the question and explained that staff had reviewed the letter. Rick Gonzalez was recognized and thanked Kaufman for her work on the draft letter. He also recommended that this case study be sent to Certified Local Governments (CLGs) across the state. The commissioners then discussed what the most appropriate action would be for them to take. Phelps suggested that not sending the letter would be the best course of action for the FHC, with Dr. Bense suggesting sending the letter as a form of approval. Before taking a motion on the matter, Dr. Tomlinson asked the commissioners to take public comment on the matter. Director Alissa Lotane joined the meeting after a prior engagement and was

bought up to speed by Dr. Bense on what occurred during the meeting so far. She then called for public comment.

Item VI. Public Comment

Mark Tarmey was recognized to comment. While agreeing with the points Kaufman made, he raised concerns that the code was not in effect when the situation occurred with the applicant at 965 Lakeview Drive. Concerns were raised that there was a lack of consistency between the City's Historic Preservation Board and the Building Department. Tarmey stated that due to the significant damage and decay of the second floor, it was determined that the structure had to be removed. This structure was removed and then built back. Tarmey then stated that the demolition and reconstruction of the second floor should not have been included in the Board's calculation of what was demolished. Additionally, he stated that under the old ordinance, the actions taken by the Historic Preservation Board on the Lakeview Drive property were an overreach.

Ryan Phillips, owner of the Lakeview Drive property was recognized to speak. Phillips echoed some of Tarmey's statements, stating that the home being demolished was inaccurate and that the removal of the second-floor framing is what triggered the issue. He reiterated that the frame was removed to be rebuilt and that the house is being built identical to the plans that were submitted to the Preservation Board for approval. He also stated that there was no penalty in the original ordinance and that the board "took it upon themselves to levy a \$100,000 contribution to the Historic Preservation Grant Fund, which seemed extortionary." Phillips also claimed that he was threatened by a sitting member of the Winter Park Historic Preservation Board prior to this meeting and he has filed a complaint to the Florida Ethics Commission. He then argued that the actions taken by the Board seemed to be a misuse of their position and asked the FHC to decline taking a position either for or against the new proposed ordinance. Phillips expressed concern that the monetary contribution added to the proposed ordinance as a possible penalty, could be seen "as purchasing of a variance or approvals" and that "this is in contrast to state law with maximum penalties." Finally, he suggested that the ordinance be reviewed by the state's legal team to determine the legality of the proposed ordinance.

Mark Tarmey commented again, expressing concern that similar actions could occur statewide and that the types of offenses and their values needed to be codified in the proposed ordinance.

Dr. Bense commented and pointed out that this ordinance is restricted to the City of Winter Park and it would not become statewide.

Kathleen Kaufman was recognized to comment. She stated that it is not under the purview of the FHC to get involved in a specific case for a municipality and that while the situation with the homeowner is unfortunate, it is not the FHC's issue. She also pointed out that the proposed ordinance was looked at by DHR staff as well as DOS General Counsel. She also addressed concerns with the proposed penalties in the Winter Park ordinance and stated that the ordinance does not necessarily have to define schedules in its own section and is usually referred to over to a code enforcement section that lists those details.

Mark Tarmey responded further that while he agrees with the points made, he thinks that the code enforcement board should codify those schedule values along with the preservation board.

Parker Destin was recognized to comment. He stated that while he was in favor of having the commission create a draft letter, the FHC has now waded into a local issue not under its authority or purview.

Item VII. Vote on Final Letter to City of Winter Park

Parker Destin moved that the Commission take no action, John Phelps seconded the motion, the motion passed with 8 in favor and 2 opposed.

Item VIII. Public Comment

No further public comment was made.

Item IX. Adjourn

The meeting adjourned at 10:00 am

Presiding Officer

State Historic Preservation Officer and
Director, Division of Historical Resources

Approved: _____