

MINUTES OF SPECIAL MEETING OF THE BELLEAIR HISTORIC PRESERVATION BOARD HELD AT TOWN HALL ON SEPTEMBER 30, 2014 AT 5:00 PM

MEMBERS PRESENT: David Hutcheson, Chairman
Don White, Vice Chairman
Kathy Gaston
Cliff Zurkan
Peter Marich
Nancy Reardon

MEMBERS ABSENT: Alex Chamberlain

OTHERS PRESENT: Micah Maxwell, Town Manager
David Ottinger, Town Attorney
David Healey, Planning Consultant
Kevin Piccarreto, Commissioner Advisor

Quorum present with Mr. Hutcheson presiding; the meeting was called to order at 5:00 p.m.

CITIZENS' COMMENTS

There were no citizens' comments.

SPECIAL CERTIFICATE OF APPROPRIATENESS – BELLEVIEW BILTMORE HOTEL

Mr. Hutcheson announced that this was a special meeting of the board to consider a Special Certificate of Appropriateness for the Belleview Biltmore Hotel.

Mr. Ottinger provided explanation of the meeting procedures; stated that the board's decision and recommendation would be based competent and substantial evidence and facts presented and other material included in the record.

Persons planning to speak at the public hearing were sworn in by the town clerk.

Attorney John Shahan, representing Friends of the Biltmore, presented an affidavit on behalf of his client, Rae Claire Johnson, asking that board members Cliff Zurkan and Nancy Reardon voluntarily recuse themselves from participating in the meeting, and read it into the record.

Mr. Ottinger stated that he was not sure that comments were true and that unless there were financial conflicts for the board members; that based on hearsay comments they would not be required to recuse themselves from participation in the meeting;

Discussions ensued regarding the request for board members to recuse themselves; regarding the procedures for the meeting was quasi-judicial in nature and not a judicial hearing; regarding comments of board members serving dual membership on other boards.

SPECIAL CERTIFICATE OF APPROPRIATENESS – (Continued)

Mr. Ottinger stated that there were no conflicts of interest stated by Mrs. Reardon and Mr. Zurkan and would be participating in the meeting.

David Healey, Planning Consultant, stated that the purpose of the meeting was consideration of the application for Special Certificate of Appropriateness regarding the Belleview Biltmore Hotel and for the board to provide a recommendation to the commission.

Mr. Healey further provided a brief history of the Belleview Biltmore Hotel; stated that based on documentation provided in the application and subject to findings and evidence to be provided at the public hearing staff finds the application was consistent with the goals and objectives of the Comprehensive Plan and the intent of the Historic Preservation section of the Land Development Code as to general policies and guidelines provided.

Ed Armstrong, representative for the applicant, commented on the request for recusal of certain board members; stated that he had five witnesses and asked for one hour to present the case.

Mr. Hutcheson approved the request of time.

Mr. Armstrong concurred with the remarks presented by Mr. Healey; stated that the application for the Special Certificate of Appropriateness did meet the provisions of the Comprehensive Plan and the intent of the Historic Preservation section of the Land Development Code.

Mr. Armstrong called Mike McCarthy as a witness.

Mike McCarty, President of McCarty stated that he was President of McCarty & Associates, stated that he was a licensed professional engineer dealing with building design; stated that he was very familiar with the Belleview Biltmore Hotel; that he had performed three full inspections at the hotel in 2011, 2012 and 2013 as well as a walk through inspection this year; that the damage had worsened each year; that there was evidence of mold and water damage; commented on the roof damage; stated that some of the areas could be repaired; that in his opinion that over fifty percent of the structure was beyond repair.

Attorney Shahan provided cross examination of Mr. McCarthy regarding his testimony.

Mr. McCarthy provided response to Mr. Shahan's questions.

Questions from board members were directed to Mr. McCarthy regarding the current condition of the structure; regarding the safety of the building and it being a possible fire threat due to the condition of electrical wiring and water intrusion.

Mr. Armstrong called Mr. Ken Hardin to testify as an expert on historical research.

SPECIAL CERTIFICATE OF APPROPRIATENESS – (Continued)

Ken Hardin provided information on his expertise and his specialty was historic structures; commented on the process for determining the historic significance was the integrity of the structure and materials and craftsmanship; commented on the current condition of the Hotel and the loss of certain aspects and integrity of the structure due to the existing damage; commented on the significance of the setting for historic buildings and that for the Hotel had been destroyed by the construction of surrounding condo buildings.

Questions from broad members were directed to Mr. Hardin regarding the historic design of the structure and historic components included in the building; regarding the integrity of the Hotel before the hurricane damage to the roof; regarding the use of certain materials in the existing Hotel in the construction of the proposed inn.

Attorney Shahan provided cross examination of Mr. Hardin regarding his testimony.

Mr. Hardin provided response to Mr. Shahan's questions.

Mr. Armstrong called Cindy Tarapani to testify.

Ms. Tarapani stated that she was Vice President of Florida Design Group; provide information regarding the training and experience as a planner; provide a review of the proposed development plan for the property to include a smaller inn, condo buildings and town homes; that the development would be consistent with the requirement of the Comprehensive Plan and keeping with the residential and park like design; that an exhibit was presented to show the proposed layout of the development.

Questions from broad members were directed to Ms. Tarapani regarding the design of the proposed smaller inn; regarding the materials that would be used in the construction; regarding creating a historic archive for the Belleview Biltmore Hotel; regarding the estimated cost for the project; regarding the phasing of the construction.

Attorney Shahan provided cross examination of Ms. Tarapani regarding her testimony.

Ms. Tarapani provided response to Mr. Shahan's questions.

A recess was called by Mr. Hutcheson at 7:30 PM; the meeting was reconvened at 7:45 PM.

Mr. Armstrong called Mr. Ed Parker with Biltmore Construction to testify.

Ed Parker with Biltmore Construction stated that he was a licensed contractor in Florida and commented on his family history in the construction industry; that he was very familiar with the Hotel's condition for his past growing up in Belleair and the current condition; commented on the work his company had performed by his company over the years at the Hotel; commented on procedures for demolition and reconstruction of the existing Hotel and estimated costs involved.

SPECIAL CERTIFICATE OF APPROPRIATENESS – (Continued)

Questions from board members were directed to Mr. Parker regarding the historic aspects of the Hotel that would be viable should it be restored and if a 400 room hotel could be recreated; regarding bringing the Hotel into compliance with all applicable codes.

Attorney Shahan provided cross examination of Mr. Parker regarding his testimony.

Mr. Parker provided response to Mr. Shahan's questions.

Mr. Armstrong called Kristina D'Amico, a specialist in hotel appraisals to testify.

Kristina D'Amico stated that she was HVC and performed market and feasibility studies for resorts and hotels; commented on the number of new hotel rooms that would soon be available in the Clearwater and Clearwater Beach area; stated that the Belleview Biltmore Hotel would not be a leisure destination; that there was no financial feasibility in restoring the Hotel as there was no equity in the existing Hotel.

Attorney Shahan provided cross examination of Ms. D'Amico regarding her testimony.

Ms. D'Amico provided response to Mr. Shahan's questions.

Mr. Hutcheson opened the floor to comments from the audience.

Karman Hays, 220 Belleview Blvd., provided comment in opposition to approval of the Special Certificate of Appropriateness.

Jim White, 3 Seaside Lane, stated the HOA supported the Special Certificate of Appropriateness for demolition of the Hotel.

LaVon Johnson, 220 Belleview Blvd., commented on historic preservation and urged denial of the request.

Tom Kurey, 153 Palmetto Road, stated his support for approval of the Special Certificate of Appropriateness.

Ed Shaughnessy, 1 Country Club Road, expressed support for the Special Certificate of Appropriateness.

Doris Hanson, 6 Belleview Blvd., provided comment in opposition to approval of the Special Certificate of Appropriateness.

Mr. Shahan attorney representing Friends of the Biltmore stated that he had a number of witnesses to call and expected to use the same amount of time as Mr. Armstrong for testimony of his witnesses; that his first witness would be Mr. Ron Harn.

SPECIAL CERTIFICATE OF APPROPRIATENESS – (Continued)

Ron Harn provided information regarding his expertise and qualifications; stated that he was a previous employee of Skansa Construction as a project manager; that he had worked on the project proposed by Legg Mason to restore the Hotel; commented on the feasibility and viability of the Hotel; commented on the condition of the Hotel at the time he worked on the project; commented on the number of brick pillars supporting the Hotel and their condition; commented on the truss system for the Hotel.

Questions from board members were directed to Mr. Harn regarding the condition of the Hotel at his last visit; regarding estimated cost to renovate the Hotel; regarding the economic impact on the proposed project by Legg Mason; regarding the deterioration of the Hotel during the ownership by Legg Mason; regarding the room rate comparison should the Hotel to be restored; regarding the interest of guest to visit a historic resort.

Attorney Armstrong provided cross examination of Mr. Harn regarding his testimony.

Mr. Harn provided a response to Mr. Armstrong's questions.

Mr. Shahan called Victoria Steinberg, a tax accountant, to testify.

Victoria Steinberg stated that she was a tax accountant and provided her qualifications; commented on the different components to the feasibility report to be considered; commented on the marketability of the Hotel; commented on the cost of insurance for the Hotel; regarding the possibility of European tourists interest in staying at a historic resort.

Questions from board members were directed to Ms. Steinberg regarding her qualifications and experience in tax accounting and marketing; regarding the room rate comparison provided in the HVS Report for the Hotel and hotels located on Clearwater Beach and other such areas in Pinellas County and Hillsborough County.

Attorney Armstrong provided cross examination of Ms. Steinberg regarding her testimony.

Ms. Steinberg provided a response to Mr. Armstrong's questions.

Mr. Shahan called Rae Claire Johnson to testify.

Rae Claire Johnson stated that she was associated with Friends of the Biltmore; commented on her association with Legg Mason; commented on the lack of convention space in Pinellas County; commented on tax credits for renovation of the Hotel; commented on other proposed development projects for the Belleview Biltmore Hotel and properties; commented on Mr. Cheezum's contract to purchase the Belleview Biltmore Hotel and the impact that had on any other prospective development of the property.

SPECIAL CERTIFICATE OF APPROPRIATENESS – (Continued)

Questions from board members were directed to Ms. Johnson regarding her testimony; regarding her statement of the interest of others to purchase and develop the Hotel; regarding any possible draw for guest who might be interested in staying at the Belleview Biltmore Hotel in restored.

Mr. Armstrong stated that due to the late hour he would not offer cross examination of Mrs. Johnson.

REBUTTAL:

Mr. Armstrong commented on the presentation made by Mr. Healey regarding the compliance of the application for Special Certificate of Appropriateness with the Town's Comprehensive Land Use Plan and Land Development Code and evidence and testimony provided by witnesses; stated that no competent evidence had been provided by the opponent; that he felt the Special Certificate of Appropriateness should be approved by the board.

Mr. Healey stated that based on the evidence and testimony provided his recommendation for approval stands.

Mr. Hutcheson closed the floor for comment; stated that the board members would discuss the matter.

Discussions ensued by the board members.

Mr. White moved that the Historic Preservation Board recommend approval of the Special Certificate of Appropriateness for the Belleview Biltmore Hotel to the Town Commission. Motion seconded by Mrs. Reardon.

Discussion: Mr. Marich commented on remarks made about no one coming forward to purchase the Hotel; stated that he felt the project was just another condo project in Belleair; that he was not comfortable with the project; that he felt someone would come forward and save the Hotel; that the previous project was stopped because of the litigations; commented on areas of the Hotel property being sold off by the owners.

Mr. Zurkan stated that all of the board members were interested in saving the Hotel; that the condition of the Hotel was not improving.

Discussions ensued regarding the current condition of the Hotel; regarding the fact that feasibility studied indicated that it was not feasible to renovate the Hotel.

Mr. Maxwell made a point of interest that the property was not rezoned at this time.

Mr. White stated that a decision must be made based on evidence and testimony presented and the criteria needed for meeting the feasibility for restoring the Hotel.

SPECIAL CERTIFICATE OF APPROPRIATENESS – (Continued)

Vote on the motion to approve the request for Special Certificate of Appropriateness was:

Ayes: Mrs. Reardon; Mr. Zurkan; Mr. White; Ms. Gaston; Mr. Hutcheson; Nays; Mr. Marich.

The motion carried by a vote of 5 to 1.

OTHER BUSINESS

There was no other business for discussion.

COMMISSION ADVISOR REPORT

Commissioner Piccarreto had no report.

ADJOURMENT

There being no further business to come before the board the meeting was adjourned in due form at 10:40 PM.

APPROVED:

Chairman