

IN THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT,
IN AND FOR ESCAMBIA COUNTY, FLORIDA

LADIES MEMORIAL ASSOCIATION, INC;
RANDALL CROOKE, Individually and as
REPRESENTATIVE OF THE STEPHEN RUSSELL
MALLORY CAMP 1315, SONS OF CONFEDERATE
VETERANS; SAVE SOUTHERN HERITAGE, INC.
FLORIDA CHAPTER; VETERANS MONUMENTS OF
AMERICA, INC.

Plaintiffs,

Case No.
Division:

vs.

CITY OF PENSACOLA, FLORIDA,
A MUNICIPALITY,

STATE OF FLORIDA through
LAUREL LEE, In her Official Capacity as
SECRETARY of STATE of the
STATE OF FLORIDA

Defendants,
-----/

Complaint for Declaratory and Injunctive Relief

COMES NOW the Plaintiffs, The Ladies Memorial Association, Inc. ("LMA"); Randall Crooke ("Mr. Crooke") a lineal descendant of a confederate soldier the Lee Square Cenotaph ("Cenotaph") was erected to honor individually, and as a member of The Stephen Russell Mallory Camp 1315, Sons of Confederate Veterans ("SCV"); Save Southern Heritage, Inc. Florida Chapter ("SSH") and Veterans Monuments of America, Inc. ("VMA") and request injunctive and declaratory relief.

JURISDICTION AND VENUE

1. This lawsuit is brought pursuant to Florida Statute 86.011 which permits the circuit court to declare rights, status, and other equitable or legal relations whether or not further relief is or could be claimed. All of the events or omissions giving rise to this claim fall within the jurisdiction of this Court.

FACTS CONCERNING PENSACOLA MONUMENTS,

THE CENOTAPH, AND LEE SQUARE

2. Not unlike many other cities that were, for just over four years during the Nineteenth Century, part of the Confederate States of America, the City of Pensacola (hereinafter "City") maintains a Confederate Memorial Cenotaph commemorating soldiers who died fighting for their homes and family and state as a member of the armed forces of the Confederate State of America, which is on display to the public (hereinafter "Monument").
3. In the post-war South, the task of honoring the fallen mostly fell to the women, the mothers, widows, and orphans, the bereaved fiancés and sisters of the soldiers who had lost their lives. The ladies united in the common cause of erecting public memorials in the community to pay respects to their community's fallen – some in faraway graves known only to God. Women of the day could not vote and so expressed their grief in monuments embodying public art, poetry, and religious tones that would become part of the social history of their community.
4. In Pensacola, Mrs. E.A. Perry worked with other women of the area to commission a memorial to their fallen under the auspices of the Ladies Memorial Association.
5. The site for the Cenotaph and its encompassing Lee Park were specifically and intentionally chosen due to its connection to the War, specifically being the site of a Federal occupied

earthwork fort known as Fort McClellan. Post-war, the ruins of Fort McClellan vanished, as residents of Pensacola began to rebuild and the North Park neighborhood began to develop. As the Cenotaph was constructed over historical Civil War fort, it could possibly contain human remains and/or historical artifacts.

6. From 1885 to 1895 the Provisional Municipality of Pensacola was governed by a **state-appointed commission**. On June 8, 1887 this *state commission adopted an ordinance* to fix a few street names and Florida Square. This body renamed the park from Florida Square to Lee Square in honor of Confederate General Robert E. Lee. This state sanctioned commission also approved plans to erect the Confederate monument.
7. Pensacola's Cenotaph was commissioned by the Ladies Memorial Association ("LMA") who undertook the project with the approval and support of the City and had an expectation of permanence. J.F. Manning and Company of Washington, D.C. was awarded the contract for \$5,000.00 (about \$135,000 in today's dollars). The ladies worked for years to raise funds for the cost of the Cenotaph by holding lectures, benefit suppers, auctions, and horse races.
8. The 1181 installation made it the first military memorial in Pensacola, and the only one in Florida that included a Florida Governor (i.e. local hero turned 14th Governor, Edward A. Perry). It was dedicated on 17 June 1891 in a ceremony attended by thousands of out of town visitors and seven thousand Pensacola citizens.
9. The Monument is a 50-foot tall shaft surmounted with an 8-foot tall bronze sculpture. The sculptor, M. Caspar Buberi, acquired his inspiration for it from a painting by John Adams Elder's "Appomattox" which depicts a Confederate soldier viewing the battlefield after the surrender of Robert E. Lee at Appomattox, Virginia on April 9, 1865. The cenotaph is prominently inscribed with bas relief "*OUR CONFEDERATE DEAD*". Square at the base,

four faces are inscribed, one with a tribute to the “*UNCROWNED HEROES...WHOSE JOY WAS TO SUFFER AND DIE...*” along with tributes to other significant figures including U.S. Senator from Florida Stephen R. Mallory, who resided in Pensacola during and after the War, and who is interred in the City; Gov. Perry; and also US Senator, and Mexican War Hero Jefferson Davis. The Cenotaph is a form of expressive honorific speech with a message related to the war dead and significant personages during the period. The expressive speech and message projected by the Monument for 129 years are generally understood to be from the mothers, sisters and widows and daughters of the war dead and in later generations from their descendants, and others who also have family who died in America’s most costly war. In addition the sculpture and its artful design, it is also inscribed with a quotation from the 1712 play “Cato”, a Tragedy written by the English playwright Joseph Addison follows: “*TIS NOT IN MORTALS TO COMMAND SUCCESS; BUT WE’LL DO MORE, SEMPRONIUS, WE’LL DESERVE IT.*”

10. Since its erection, 129 years ago, the Cenotaph has presented its message of remembrance to viewers living in, working in, staying in, traveling to and visiting Pensacola – the full spectrum and assemblage of speech – artistic, memorial, and political expression of Plaintiffs is exhibited in and emitted from the Cenotaph and is thus protected by First Amendment Free Speech provision in the US Constitution and the Florida State Constitution.
11. Over the years it has been utilized by the LMA, and the SCV and its members for memorial observances including Confederate Memorial Day observances, most recently in April 2020 including a floral tribute.
12. At the request of the City of Pensacola, in 1983 an application (Exhibit A) was submitted by the State of Florida Historic Preservation Officer to the United States Department of Interior

nominating the North Hill Preservation District, which boundaries, register the North Hill Preservation District as a National Historic Place. The Application was accepted and the District was added to the National Register. The Cenotaph is adjacent to a residential neighborhood that, together with the Cenotaph, the only contributing object in the district, comprises 60 +/- city blocks, making it unique in the District.

13. Lee Square is the only non-residential or commercial structure in the district and was purposefully incorporated into the district, situated on the boundary line of the District. (Exhibit B)
14. The City of Pensacola is a historic city, dating to Spanish exploration in 1559 and had has other monuments and memorials including a bronze of Don Tristan de Luna y Arrellano, its Spanish explorer; US President and Territorial Governor of Florida, Andrew Jackson; Civil Rights activist Dr. Martin Luther King Jr.; and General Bernardo de Galvez, a leader of Spanish forces who allied with the US During the American Revolution. It also maintains a Veterans Park that includes memorials to Vietnam War Veterans, WWII Veterans, and American Revolution patriots.
15. Over the years the SCV, as well as its individual members, has spent thousands of dollars and thousands of man-hours maintaining and improving Lee Square and the Cenotaph.
16. Lee Square and the Cenotaph are a historical tourism destination and are prominently featured as Historic Resources in the "Florida Civil War Heritage Trail" produced with a Historical Resources grant from the State of Florida and distributed by the Florida Department of State. Hundreds of thousands of printed copies of the publication have been distributed and it is available online for heritage tourism to view. Lee Square and its Cenotaph are the only military memorial Historic Sites listed in Pensacola/Escambia County (Page 13). Lee Square

and the “Our Confederate Dead” Cenotaph is included in the State of Florida’s Historical Resource “Master Site File”.

17. On June 11, 2020, the City Council voted to start the “30-day clock” to remove the Cenotaph. A special meeting of the Council was called for June 14, 2020, at 5:30 p.m. (Exhibit C). On July 7, 2020 the City Administrator issues a Memorandum recommending the City Council approve the removal of the Cenotaph. The recommendation was based on “social equity”, not addressing the merits of the Historical Resource. The City has started the removal process by fencing Lee Square with construction fencing and determining its removal budget (Exhibit D).

HISTORIC PRESERVATION LAWS AND ORDINANCES

18. The City of Pensacola is a designated Certified Local Government (“CLG”) and is a party to inter-governmental agreements under provisions of the National Historic Preservation Act Amendments of 1980. The CLG program is a partnership between federal, state and local governments for the protection of historic properties. Designation as a CLG requires making historic preservation a public policy through passage of historic preservation ordinances. Additionally, the CLG designation requires that each City establish a historic preservation board (in this case the Architectural Review Board or “ARB”) to develop and oversee the functions of its historic preservation program and approve any demolitions in a National Register Historic District.
19. Pensacola Ordinances codify the required Historic Preservation provisions in Section 12 of the City Land Development Code. The Code states demolition of a contributing structure in the district constitutes an ‘irreplaceable loss to the quality and character of the Historic District’

and empowers the ARB to oversee any demolition or removals from the Districts to ‘preserve...the distinctive architectural character of the district...and reinforce this special character.’”

20. Pensacola’s Architectural Review Procedure was adopted by Resolution November 14, 1985, amended by Resolution August 21, 2010, effective noon, January 10, 2011. This procedure is patterned after section 106 of the National Historic Preservation Act of 1966 and has the authority to approve or disapprove plans for removals and demolitions within its jurisdiction any structures within its Districts, i.e. National Register Historic Districts, and requires the City to conduct an extensive evaluation under the care of a professional archaeologist having substantial experience in the archaeology and history of Pensacola before and if a Historical monument can be moved from Historic Preservation District. The criteria used for approval of a demolition include the historic or architectural significance of the structure, the importance of the structure to the integrity of the District, the difficulty or impossibility of reproducing such as a structure because of its design, texture, material, detail or unique location, and whether the structure is one of the last remaining examples of its kind in the Historic District.

PARTIES

21. The Ladies Memorial Association, Inc. is the reconstituted entity that originally erected the Cenotaph and its successor in interest. Its members comprise those whose family are honored by the Cenotaph and are citizen taxpayers of the State of Florida.
22. Randall Croke is a lineal descendent of Adam Croke, one of the “uncrowned heroes” referenced on the Cenotaph. He is a citizen taxpayer of the State of Florida and the City of Pensacola. He is also a member of the Stephen Russell Mallory Camp 1315, Sons of

Confederate Veterans (“SCV”, “Camp”).

23. The Camp is based in Pensacola and is a subdivision of Sons of Confederate Veterans, Inc., an international organization which is a lineage society for male descendants of Confederate veterans, and is the successor organization to the United Confederate Veterans, the organization of the soldiers and sailors who served for the Southern Confederacy during the War. Its members reside in the City and Escambia County, Florida.
24. Save Southern Heritage, Inc. – Florida Chapter is a South Carolina non-profit corporation membership organization whose purpose is historic preservation, specifically the history of the South for future generations. Its members reside in Pensacola and are citizen taxpayers of Florida and the City of Pensacola.
25. Veterans Monuments of America, Inc. is a Florida not for profit corporation whose purpose is to protect and preserve Memorials to American Veterans.
26. The City of Pensacola is a chartered municipality within the Jurisdiction of the State of Florida, a party to agreements governing Historic Preservation and the provisions of National Historic Preservation Act (“NHPA” or “Act”) of 1966. The City of Pensacola is a Certified Location Government for Historic Preservation purposes.
27. The State of Florida is a sovereign entity under the Constitution of the State of Florida, and a member of the United States of America, subject to its Constitution, and laws and policy and a party to agreements governing Historic Preservation. The State of Florida’s Executive Branch delegates Historic Preservation duties to the Secretary of State who is designated as the State Historic Preservation Office. Laurel Lee was appointed by Florida Governor Ron Desantis as Secretary of State.

CAUSES OF ACTION

COUNT ONE

City Violation of Pensacola's Historic Preservation Land Use

28. Pensacola City Ordinance §12-2-10(b)(1) states that the purpose of The North Hill reservation zoning districts is to preserve the unique architecture and landscape character of the North Hill area. Removal of the Lee Park Confederate Memorial is a violation of this Pensacola City Ordinance.

COUNT TWO

City Violation of Pensacola's Archaeological Review Procedure

29. Pensacola City Ordinance §12-2-9 states that demolition of a contributing structure constitutes an irreplaceable loss to the quality and character of the District and that no permit shall be issued as such unless the owners demonstrates to the board clear and convincing evidence of unreasonable economic hardship. Plaintiffs allege the City's unilateral decision to remove the Cenotaph based on social equity, is in violation of this Pensacola City Ordinance.

COUNT THREE

City Violation of Florida Statute Title XLVI Chapter 852.02 - Injuring or Removing Tomb or Monument

30. Plaintiffs allege the City, in moving the Cenotaph, and disturbing Lee Park's empty tomb Cenotaph and possible historical human remains is a violation of Florida Statute Title XLVI Chapter 852.02 - Injuring or removing tomb or monument.

COUNT FOUR

City Violation of Florida Statute §276.031(5)(h)

31. FL Stat. §276.013(5)(h) applies the protections afforded in the National Historic Preservation Act of 1966 to the state and its subdivisions. The City violated this by not adhering to the interagency agreements governing Historic Preservation under the Act, which requires a review, Section 106 procedure, before removing a historic structure from a National Register Historic Preservation District.

COUNT FIVE

City Breach of Bailment Agreement

32. The LMA alleges that when the City originally approved the LMA request to erect the Cenotaph, a bailment and resulting public trust with an expectation of permanency was created. The City's unilateral decision to remove the Cenotaph violated its fiduciary duty as a public trustee.

COUNT SIX

City Violation of Inter-Governmental Agreements to Preserve the Historic Resources of Florida Under 16 U.S.C. 470a

33. Plaintiffs allege the City, in moving the Cenotaph, is violating its intergovernmental agreements with the State of Florida and the U.S. Government as a Certified Local Government under the 1980 National Historic Preservation Act ("NHPA") by stripping the North Hill Preservation District ("District") of a significant historic resource without any of the required consultations with its partners. This action endangers the continuation of the District, with the loss of future State and Federal Historic Preservation funding. The loss of this funding would be of irreparable harm to the taxpayer Plaintiffs' economic interests.

COUNT SEVEN

City Violation of Florida and United States Constitutional Rights

34. Freedom of Speech under the Florida Constitution and the United States Constitution – Plaintiffs allege that removing the Cenotaph’s memorial speech is eliminating their constitutionally guaranteed freedom of expression and speech rights.
35. Violation of Due Process Under the 5th Amendment to the U.S. Constitution - Plaintiffs allege that violation of Due Process rights as described in Counts 1 – 4 herein.
36. Violation of Civil Rights Under 42 U.S.C Section 1983 – Plaintiffs allege the City acted under of color of state law in violation of protected rights as described in Counts 1 – 4 herein.
37. Violation of Equal Protection Under the 14th Amendment to the U.S. Constitution – Plaintiffs allege that singling this particular Cenotaph out from its other public monuments and memorials for removal is a violation of their Equal Protection Rights under the 14th Amendment.

COUNT EIGHT

State Violation of Florida Statutes 276.031 –

Division of Historical Resources Powers and Duties

38. Plaintiffs allege the State of Florida, under the Executive Duties delegated to the Secretary of State, breached its duty in violating Florida Statute 267.031(h) and (i) - when it willfully abdicated its duty to protect and preserve the North Hill Preservation District.

COUNT NINE

State Violation of Inter-Governmental Agreements to Preserve the Historic Resources of Florida Under 16 U.S.C. 470a

39. Plaintiffs allege the State of Florida's failure to prevent the City of Pensacola from stripping the historic Cenotaph from the North Park Historic Preservation District willfully violated intergovernmental agreements and duties as the Florida State Historic Preservation Office ("SHIPO") under the NHPA. This action endangers the continuation of the District itself, and potentially trigger the loss of future State and Federal Historic Preservation funding. The loss of this funding and this Historic Resources are of irreparable harm (including economic harm) to the Plaintiffs as taxpayers and citizens.

CONCLUSION

40. The Plaintiffs seek equitable relief stating that the City commit to use any and all resources necessary to safely move the Monument under a plan directed and conceived by the ARB, the Secretary of State of the State of Florida and The US Department of the Interior, and, furthermore, seek injunctive relief barring the City from taking any further action related to the movement of the Cenotaph without first establishing to this Court that they have a plan that ensures the safe movement of the Monument without inadvertent damage or destruction of the Monument, as has been the case in other removals, and that a plan including a timeline for re-installation has been agreed to by all parties.
41. To seek injunctive relief in Florida the Petitioner must prove: (1) a substantial likelihood of success on the merits, (2) a lack of an adequate remedy at law, (3) the likelihood of irreparable harm absent the entry of an injunction, and (4) that injunctive relief will serve the public

interest. See Scott v. Trotti, 283 So.3rd 340 (1st DCA 2018). Based upon the foregoing, the Petitioner's cause of action meets these judicial requirements as follows:

42. Plaintiffs assert they will be successful on merits because:

- a. As to Counts 1 – 6, 8 and 8, the statutory violations are facially apparent that the City failed to comply with the rule of city, state and Federal law;
- b. As to Count 7 regarding Constitutional issues, it is clear from recent cases that as more monument cases are being heard by the Judiciary that the trend is towards maintaining historical monuments and memorials

43. The Plaintiffs assert that injunctive relief is proper, because there is no remedy at law as monetary damages will not make Plaintiffs whole or restore the rights denied. And Plaintiffs assert that since the City has not expressed any intent to re-erect the Cenotaph, that there cannot be any expectation that due care will be used to avoid damage during removal.

44. The Plaintiffs assert that removal of the Cenotaph and the renaming of Lee Square will result in irreparable harm absent the entry of an injunction because:

- a. The purpose of this action is to protect the Monument from inadvertent or intentional destruction and ensure Due Process of Law. In the passion of the moment, and with hostility toward Plaintiffs and the Dead Veterans' empty tomb the Cenotaph contains, the City is acting without proper consultation with the ARB, a State or Federal Section 106 Review and or other experts or authorities to determine the feasibility and manner of movement of the Monument, nor any plans for re-erection of the Cenotaph.
- b. Numerous monuments have been damaged and destroyed during removals, one of particular note in Florida is Manatee County, which was broken in three parts during an overnight removal within 48 hours of the removal decision (Exhibit E);

- c. The City's response to a Florida Sunshine public records request indicate that the City intends to remove the Cenotaph itself (Exhibit D) , rather than obtaining bid or a qualified contractor with specialized skills for this purpose, or under the direction of historic preservationists. Plaintiffs have no reason to expect they have experience or knowledge in the construction of this Cenotaph. Plaintiffs assert this circumvention of the bid process heightens their risk of injury prior to due judicial process, especially during the current Pandemic;
- d. Plaintiffs assert the City's willful disregard of laws and due process indicates their intent for a swift removal of the Cenotaph;
- e. Additionally, if the Cenotaph is damaged in the move, the Plaintiffs have no reason to believe the Cenotaph could or would be repaired by the City.
- f. The Plaintiffs assert irreparable harm to their interests if the Cenotaph is removed. Plaintiffs LMA, Mr. Crooke and SCV assert their reputation and that of their family members would be irreparably demeaned with removal. The VMA asserts the Cenotaph is important to its mission because it honors the unselfish sacrifice of those who fought and died, in war, and the families of the soldiers who suffered at home during time of war, and in removal this honor would be irreparable harmed. SSH will suffer in that this significant part of Southern history in Florida would be eliminated, as there are no plans to ever restore it in any location. All Plaintiffs will suffer irreparable harm, in that according to the interpretation of NHPA, the Cenotaph could not returned to the District, and the District would dissolve. This diminishes the Historic Resources protected for them under State Law.

45. Plaintiffs assert that the public interest is served when governmental authorities respect, not ignore, the rule of law and respect Rights under the State and Federal Constitution and allege that the City did ignore the rule of law or respect their Rights in this case. Plaintiffs assert that the loss of Federal Historic Preservation funding will have negative impact on the budget of the State of Florida, diminishing the State's ability to maintain its historic preservation mission.

46. Consequently, Plaintiffs assert all four requirements of Injunctive Relief have been satisfied.

STATEMENT OF RELIEF REQUESTED

16. The Plaintiffs hereby request that this Court:

(a) Enter a declaratory judgment that the relocation of the Monument without attestation from ARB, Secretary of State and Department of Interior that City's Plan is improper. Or in the alternative, find that Plaintiffs Federal rights would be violated by any movement of the monument and order that no relocation be attempted.

(b) Enter a temporary injunction prohibiting the City Council from ordering the relocation of the Monument without first receiving a feasibility study from the ARB which does not compromise the structure or Historical value of the Cenotaph;

(c) Permit the Plaintiffs as friends of the City to obtain expert opinions on the feasibility of relocating the Monument;

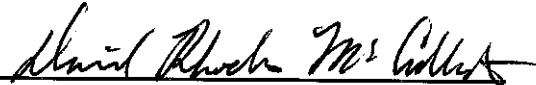
(d) Keep the temporary injunction in place as a permanent injunction until the Court is satisfied that any relocation plan will preserve intact the structural integrity and Historical Value of the Monument;

(e) Plaintiffs shall not be required to post bond as it relates to injunctive relief.

(f) Order the State of Florida to comply with all requirements of Federal Historical Preservation laws, policies, and regulations.

(f) Grant such other relief as the nature of the case and the Court deem just and proper.

Respectfully submitted this 14th day of July, 2020.


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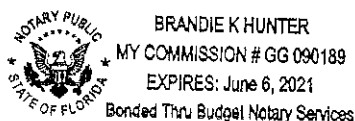
AFFIDAVIT OF DAVID RHODES MCCALLISTER

Before me, the undersigned notary, on this day personally appeared David Rhodes McCallister affiant, a person whose identity is known to me. After I administered an oath, affiant testified as follows:

1. "My name is David Rhodes McCallister. I am competent to make this affidavit. The facts stated in the Complaint are within my personal knowledge and are true and correct.
2. I have been reading news articles, talking with witnesses, and reading statements made by the parties in this matter."


DAVID RHODES MCCALLISTER

SWORN TO and SUBSCRIBED before me by David Rhodes McCallister on July 14, 2020.



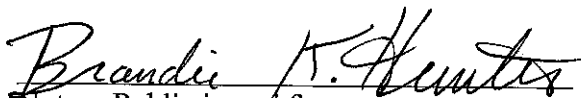

Notary Public in and for
The State of Florida

EXHIBIT "A"

Excerpts from National Register of Historic Places Nomination Form for North Hill Preservation
District

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**

For NPS use only

received **APR - 7 1983**

date entered

See instructions in *How to Complete National Register Forms*

Type all entries—complete applicable sections

1. Name

historic North Hill Preservation District

and/or common N/A

2. Location

roughly bounded by Blount, Pula Fox, Wright,
Belmont, Reus, and De Villiers St.
street & number (See Continuation Sheet) N/A not for publication

city, town Pensacola N/A vicinity of

state Florida code 12 county Escambia code 033

3. Classification

Category	Ownership	Status	Present Use
<input checked="" type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture
<input type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial
<input type="checkbox"/> structure	<input checked="" type="checkbox"/> both	<input checked="" type="checkbox"/> work in progress	<input checked="" type="checkbox"/> educational
<input type="checkbox"/> site	Public Acquisition	Accessible	<input checked="" type="checkbox"/> entertainment
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes: restricted	<input checked="" type="checkbox"/> government
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial
	<u>N/A</u>	<input type="checkbox"/> no	<input type="checkbox"/> military
			<input type="checkbox"/> museum
			<input checked="" type="checkbox"/> park
			<input checked="" type="checkbox"/> private residence
			<input checked="" type="checkbox"/> religious
			<input type="checkbox"/> scientific
			<input type="checkbox"/> transportation
			<input type="checkbox"/> other:

4. Owner of Property

name Multiple (owner notification by newspaper advertisement)

street & number N/A

city, town Pensacola N/A vicinity of state Florida

5. Location of Legal Description

courthouse, registry of deeds, etc. Room 15, Escambia County Courthouse

street & number N/A

city, town Pensacola state Florida

6. Representation in Existing Surveys

title North Hill Survey has this property been determined eligible? yes no

date 1973 federal state county local

depository for survey records Historic Pensacola Preservation Board

city, town Pensacola state Florida

7. Description

Condition		Check one	Check one
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input checked="" type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input checked="" type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

Summary of Present and Original Physical Appearance

North Hill developed as an early residential suburb for upper middle-class residents of Pensacola between 1870 and the 1930's. The 155.6 acre neighborhood includes a wide range of late-nineteenth and early-twentieth century architectural styles. Among the buildings are fine examples of Queen Anne, Classical Revival, Tudor Revival, Spanish Colonial Revival, Moderne, Bungalow, and vernacular styles. Early developers of North Hill plotted regularly-spaced parks, and homeowners added shrubbery and trees, producing the shaded, heavily-planted effect which still dominates the area. The neighborhood grew in several waves: the earliest from 1870 to 1910 consisted of one, one-and-one-half, and two-story wood, single-family residences. Later periods of growth from 1910 to c. 1930 added various revival style houses similar in scale but using brick and stucco as primary construction or finish materials. Most post-1930 structures maintain continuity in size, fabric, and residential use. The overall appearance of the neighborhood meshes with its historical character in determining its significance to Pensacola.

Text Supporting Summary of Present and Original Physical Appearance

The North Hill Preservation District is located adjacent to and just northwest of the Pensacola Central Business District. The terrain rises dramatically from 25' above sea level at the southern perimeter of the district to over 75' in the central portion, attesting to the neighborhood's local historical designation as "the hill" or "North Hill." The 80 block neighborhood is laid out in a grid pattern with blocks of uneven size. There is no differentiation between streets and avenues; all north-south and east-west thoroughfares are designated streets. The north-south break for street numbering in the city is Garden Street and the entire district lies north of this. The district overlaps Palafox Street, the east-west break for street numbering. The North Hill Preservation District encompasses much of the Belmont Tract between Wright and Lee and Blount Streets, both of which were originally platted in the 1850's. Early developers included the three existing parks - Lee Square (originally named Florida Square, figure #45), Georgia Square (figure #19), and Alabama Square - in the original Belmont Tract plat.

The district is primarily residential with one-, one-and-a-half, and two-story structures. Buildings which contribute to the North Hill Preservation District (listed as C or coded red on accompanying lists and maps) add to the sense of time, place, and historical development of the area through their location, design, setting, materials, workmanship, feeling, and association. The historical time frame for the district is predominately 1870 to 1930; however, post-1930 structures of exceptional significance (as outlined by the National Register criteria) are also included in this category. Contributing but altered structures (A, colored yellow) fulfill the criteria for contributing structures, however, major exterior changes have altered their original integrity and design details. Non-contributing buildings (N, colored blue)

8. Significance

Period	Areas of Significance—Check and justify below					
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input checked="" type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input checked="" type="checkbox"/> religion		
<input type="checkbox"/> 1400-1499	<input checked="" type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input checked="" type="checkbox"/> law	<input type="checkbox"/> science		
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture		
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input checked="" type="checkbox"/> education	<input checked="" type="checkbox"/> military	<input checked="" type="checkbox"/> social/		
<input checked="" type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian		
<input checked="" type="checkbox"/> 1800-1899	<input checked="" type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater		
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input checked="" type="checkbox"/> industry	<input checked="" type="checkbox"/> politics/government	<input type="checkbox"/> transportation		
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)		

Specific dates +1781, c. +1870-1930 **Builder/Architect** various

Statement of Significance (in one paragraph)

The North Hill Preservation District, to a greater or lesser extent, meets all four National Register criteria for listing. It contains the sites of British fortifications associated with the 1781 Battle of Pensacola. Between 1870 and the early 1930's it developed as a residential neighborhood, primarily for the upper middle-class of Pensacola. It is significant historically and architecturally both to Pensacola and the state of Florida. It traditionally has been associated with the most prominent and influential businessmen, lawyers, politicians and artisans of the city. Residents of North Hill held positions of great importance in the lumber and fishing industries, banking, retail sales, building construction and state and local government. These affluent Pensacolians lived in sumptuous homes, designed and built by master architects and contractors. The district represents one of the finest collections of Victorian and early twentieth century houses in Northwest Florida. Included in the district are a variety of architectural styles popular from around 1870 until the early 1930's. There are a minimal number of intrusive twentieth century commercial buildings. Also within the district are churches, schools, parks and community buildings which define the neighborhood character of North Hill. The integrity of its buildings and the neighborhood as a whole argues for listing the North Hill Preservation District in the National Register.

North Hill first assumed importance in the history of the city and state during the British Period (1763-1781). During the American Revolution the commander of the British garrison, General John Campbell, fearing an imminent invasion by the Spanish under Bernardo de Galvez, ordered the construction of Ft. George. Atop "Gage Hill" Ft. George was a small earthenwork Vauban-type fortress with a hornwork extending down the south slope guarding its fresh water supply. Two smaller fortifications, the Queen's redoubt and the Prince of Wales redoubt, protected the crest of the hill. In April, 1781, the Spanish laid siege to the British fortifications, and by the end of the month advance their trenches to within a half mile of the Queen's redoubt. On May 8, 1781, a Spanish hot shell struck the magazine of the Queen's redoubt. It destroyed the redoubt, killed half its garrison and rendered the British positions indefensible. General Campbell surrendered, ending the Battle of Pensacola.¹

✓Archaeologists from the Florida Division of Archives, History and Records Management excavated a portion of the hornwork on a lot at the corner of Palafox and La Rua Streets in 1974 and 1975.² The lot today is a public

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date entered

Continuation sheet 8

Item number 8

Page 1

park interpreting nearby Ft. George and the battle (see figure 46). The ill-fated Queen's redoubt was located in block 56 of the Belmont Tract near the home of Dr. W. C. Payne (1125 N. Spring Street). According to Dr. Payne, workmen digging the foundation of his house in 1928 uncovered a number of military artifacts. The crater caused by the explosion of the powder magazine was visible until the 1940's, when the house at 255 West Brainerd was built in it.⁵

During the Second Spanish Period (1781-1821) and the United States Territorial Period (1821-1845), there was little documented activity in North Hill. As early as the 1850's farmers and others seeking land on the outskirts of the port city settled North Hill. Following the Civil War a few prominent individuals, including ✓ Charles W. Jones, a lawyer and soon-to-be U. S. Senator (see figure 56) and B. F. Simmons, president of the Pensacola and Perdido Railroad, built homes in the Gothic and High Victorian Italianate styles at the foot of what was then called "West Hill" or "Fort Hill," removed from Pensacola's traditional residential zone around Seville Square.

During the Reconstruction period (1865-1877), the Pensacola City Company which ✓ owned much of the Belmont Tract encouraged investment in real estate in the vicinity of North Hill. Speculators, especially members of the Knowles and Hyers families who had made their fortunes in the lumber trade before the war, quickly bought the desirable Belmont property though few actually settled on North Hill. The Merritt House (see figure 38) is an example of one of these early North Hill homes.

In about 1880, the nucleus of the North Hill community centered around two of ✓ Pensacola's most prominent businessmen: Henry Baars, President of Baars Lumber Company, and William Dudley Chipley, vice-president of the Pensacola and Atlantic Railroad. The construction of two stately mansions north of the Palafox Street business district by these early profiteers of the lumber boom set a precedent for other well-to-do Pensacolians. Neither of these magnificent homes have survived although the stable for the Baars mansion has been converted into a residence and office (see figure 49). By 1885, a dozen new houses, built by Pensacola's wealthiest ship brokers, lumber merchants, and lawyers, as well as the county tax assessor, rivaled the Chipley and Baars mansion for size and ostentation. Popular during this period was the Queen Anne style, characterized by irregular massing and elaborately decorative woodwork, as evidenced in the Dunwoody House (see figure 43) and the McIlwain House (see figure 52). Seven of the fifteen "prominent private residences" listed in the 1885 city directory stood on North Hill.⁴ Seville Square residents dubbed the new neighborhood "Snob Hill", but the Watson Real Estate Agency declared North Hill to be the most valuable property in the city.⁵

Factors which rendered North Hill attractive to influential Pensacolians included its easy access to Palafox Street and its relative distance from the port. One could avoid the noise, crowding, and filth of the city with its frequent outbreaks of yellow fever, without abandoning its economic and social advantages.⁶ An additional attraction for upper middle class families was the construction of public

(See Continuation Sheet)

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date entered

Continuation sheet 9

Item number 8

Page 2

school number 1 adjacent to Lee Square.⁷ The city rapidly extended services to the new neighborhood: electric lights, sidewalks, and fire alarm boxes all reached North Hill by 1890.⁸ Early North Hill residents financed the extension of the city sewer to their homes by private subscription, a testimony both to their affluence and confident self-reliance. By the turn-of-century, thanks to a city ordinance passed in 1889, North Hill joined the network of the electric street railway, providing easy access to businesses, as well as important social institutions such as the Osceola Club and the Pensacola Country Club. The beautification of North Hill's three public parks also assumed a high priority. In 1890, the United Daughters of the Confederacy erected a memorial to Pensacola's Civil War dead in Lee Square (see figure 45) and the following year planted decorative trees and shrubs.¹⁰ With the establishment of the neighborhood, a sense of community arose which led to the term "North Hill" becoming common usage by about 1895.

Pensacola's elite favored North Hill as a home between 1890 and the outbreak of the First World War. Construction of new homes advanced at a feverish rate during most of the period as North Hill expanded from its original dozen homes to encompass a thirty block area south of Gonzalez Street. In the decade from 1900 to 1910 alone, contractors like C. H. Turner and A. V. Clubbs did a brisk business building nearly 150 new houses. Clubbs was born in Rochester, New York, and moved to Pensacola shortly after the Civil War. He opened his construction business in 1872 and quickly became one of the city's best-respected contractors. Among the public buildings erected by Clubbs were the Opera House, St. Katherine's Episcopal Church, and the Escambia Hotel.¹¹ The houses of Samuel J. Pinney and H. O. Anson (see figure 24) are fine examples of Clubb's craft.

Charles Hill Turner was Pensacola's premier builder of the period. Turner was born in Pensacola in 1868, the son of contractor R. H. Turner, and was educated at South-Western Presbyterian University. After completing his studies, he returned to Pensacola and entered his father's business. In 1891, he took full charge of the family construction business and quickly made it the most prestigious contracting firm in Pensacola. Turner constructed the City Hall, the Masonic Temple, the Hotel San Carlos, the Saenger Theater, and the Blount Building.¹² He also built many houses in North Hill, including the row of attractive Queen Anne styles dwellings on Strong Street (see figure 65). In fact, Turner lived "on the hill" in a fanciful Queen Anne house which he later modified to exhibit classical details (see figure 30).

During the first decade of the twentieth century, the Queen Anne style house remained popular on North Hill as seen in the J. H. Pierpont House (see figure 48) and the Creary House (see figure 53). However, by 1910 new architectural styles began to appear. The construction of the J. R. McLane House with its massive Ionic portico helped touch off the building of a number of Classical Revival dwellings (see figure 12). Other fine examples of this style are the Alexander Lischoff House (see figure 32) and the Jacob Bear House (see figure 22).

(See Continuation Sheet)

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date entered

Continuation sheet 10

Item number 8

Page 3

The area west of North Hill along Reus and DeVilliers Streets also witnessed outstanding growth during this period, as blacks moved closer to "the hill" to fill the upper-class's need for servants. The majority of houses built in the "Belmont-DeVilliers" neighborhood were rental units owned by wealthy North Hill residents. Most were architecturally modest frame vernacular houses (see figures 35 and 41). Social and educational institutions such as the Pensacola Normal School (see figure 67) arose as the center of Pensacola's black community shifted to DeVilliers Street between 1910 and 1920. Middle class whites also gravitated toward North Hill. Within the bounds of North Hill itself lived an occasional clerk or bookkeeper hoping through faithful service and close proximity to share the ennoblement of the affluent society.

It was the elite, Pensacola's upper and upper-middle classes, which characterized the neighborhood. From their sumptuous Queen Anne homes on the hill, they "looked down on the rest of the community," controlling Pensacola's economy.¹³ Many of North Hill's citizens were tied directly to the lumber trade either as timber merchants (W. S. Keyser, W. B. Wright, Henry Baars), ship brokers (Fred Howe, John A. Merritt) or stevedore contractors (Marion A. Quina, Willock L. Bell).¹⁴ Others, such as Alexander Zelius, ship chandler, or the Bear brothers, marine grocers, benefited indirectly from the enormous lumber trade through the port. North Hill residents also played important roles in other sectors of Pensacola's economy, including fishing, the L & N Railroad, retail sales and finance. The great majority of the officers and directors of Pensacola's four banks lived within a few blocks of each other on the hill in 1906.¹⁵ C. H. Turner and a number of other important building contractors lived on North Hill, as well as architect Walker Willis. The "Pensacola boom," in fact, owed much of its enthusiasm and booterism to its North Hill leadership. For instance, twelve of the sixteen directors of the Pensacola Hotel Company, which constructed the Hotel San Carlos, were North Hill residents, and the contractor chosen was C. H. Turner.¹⁶ The elite from North Hill thus comprised a close knit economic unit whose business transactions, though frequently confined to members of the group, dominated Pensacola.

Political, as well as economic, power emanated from North Hill between 1890 and 1913, during which period a plurality of the city's alderman were elected from North Hill.¹⁷ An impressive list of the city, county, state and federal office holders chose North Hill as their home including Pensacola Mayor C. C. Goodman, Circuit Court Judge J. C. Avery, Jr., State's Attorney J. Walter Kehoe, and Federal Marshal T. F. McGouring. As well as dominating government on the local level, these men occasionally had a significant impact on policy at higher levels of government, as when J. Campbell Avery, Jr. introduced the "Jim Crow" street car law in the state legislature in 1905.¹⁸ Access to local judicial process could best be found through North Hill during the pre-war period since most of Pensacola's attorneys were to be found there.

See Continuation Sheet

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Continuation sheet

11

Item number

8

Page

4

North Hill society emulated high society in other parts of the country with its exclusive social clubs and spectacular balls. The Osceola Club figured prominently in the social life of Pensacola's elite, providing reading rooms, billiard tables, and an annual ball that ranked as one of the high points on an active calendar. The kings and queens of Mardi Gras were consistently chosen from North Hill society. In addition, North Hill residents virtually controlled the Pensacola Yacht Club, the Pensacola Driving Association, and the Pensacola Country Club. Euchre parties, teas, and luncheons were daily affairs on North Hill.¹⁹ North Hill society was as close knit as its business dealings, being characterized by intermarriage of North Hill families, and the closely supervised socialization of youth.²⁰ The exclusive Pensacola Classical School facing George Square boasted a faculty and curriculum designed to prepare North Hill young men for the rigors of Yale and Princeton.²¹

Pensacola's economy experienced a devastating setback beginning in 1913, the repercussions of which drastically altered life on North Hill. The lumber boom which had buoyed the West Florida economy since reconstruction collapsed suddenly from overextension of resources and reduced demand. With it collapsed many of North Hill's fortunes. Prominent men like C. H. Turner filed for bankruptcy, and businesses associated with the lumber industry ground to a halt. Between 1913 and 1917 only about twenty new homes were constructed on the hill, fewer than had been built in 1910 alone. The bungalow style became popular during this period. The H. J. Greenhut House (see figure 33) and the C. E. Hutchinson House (see figure 16) are excellent examples of this style. As Pensacola emerged from the First World War and the Navy assumed an increasingly important role in the area economy, North Hill became less a political and economic elite and more a fashionable neighborhood for the nouveau riche.

The decade of the 1920's was not nearly as prosperous as the lumber boom for Pensacola, but it did witness additional growth in North Hill. About seventy new homes were constructed during this period or about half the number constructed two decades earlier. A number of new architectural styles appeared during this decade. C. A. Weis of Weis-Patterson Lumber Company, a mahogany import firm, constructed an impressive Georgian Revival home in 1922 (see figure 21). Others, like Dr. Walter Payne and Carlton Sexton preferred houses in the Tudor Revival (see figures 17 and 6, respectively). Probably the most popular style, however, was the Mediterranean Revival, with many fine examples surviving with few alterations (see figures 7, 10, 13 and 14). During the decade of the 1920's, Pensacola architect Walker Willis designed many important dwellings for the new class of physicians and businessmen who moved into North Hill. Among Willis' designs are the M. A. Lischoff House and the A. C. Blount House (see figure 66). Willis served as the resident architect for the Hotel San Carlos, the supervising architect for the state hotel commission and for the Escambia County Board of Public Instruction. He designed the P. K. Yonge School (see figure 8) and the State Board of Health Laboratory (see figure 29).²²

(See Continuation Sheet)

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Inventory—Nomination Form

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received

date entered

Continuation sheet 12

Item number 8

Page 5

The Great Depression shattered the new era of economic prosperity. Between 1930 and 1970, much of North Hill languished in forgotten splendor, as many elite families moved away leaving homes to deteriorate or to be converted into boarding houses. From the 1930's through the 1960's, the infilling of more modern houses occurred in unsettled parts of the neighborhood, especially north of Lloyd Street. Many influential and affluent Pensacolians such as two-time Mayor Admiral Charles P. Mason continued to favor North Hill over later stylish sub-divisions. Houses such as the one built by H. M. Weis in the Moderne style (see figure 1) complimented the architecture of older homes on North Hill. The diversity of architectural styles to be found in North Hill is reflected by the Nathan S. Rubin House (see figure 54). Shortly after the appearance of the first "butterfly roof" at the Museum of Modern Art in New York in 1949, Dr. Rubin commissioned Paul Rudolph, a Florida-based architect with a national reputation, to design a similar house. Rudolph later became one of the nation's most respected architects, receiving numerous awards for the design of buildings such as the Jewett Arts Center for Wellesley College and the Boston Government Services Center. He served as the chairman of the Yale University School of Architecture from 1958 to 1965.²⁵ The Rubin House, completed in 1953, represents the culmination of an eighty year evolution in North Hill architecture.

During the decade of 1960's, the integrity of the North Hill neighborhood was threatened by the intrusion of commercial buildings, particularly along Cervantes and Palafox Streets. In order to minimize further commercial impact, North Hill residents, in June, 1972, formed the North Hill Preservation Association and asked to be included within the authority of the city's Architectural Review Board. In September, 1973, the city of Pensacola zoned "the hill" and designated it a preservation district. Since the passage of the North Hill zoning ordinance, many of the magnificent houses on the hill have been restored to their former grandeur.

The North Hill Preservation District derives its significance both from its association with important and influential Pensacolians as well as from the architectural diversity of its houses. These homes, dating between 1870 and 1930, were designed and constructed by Pensacola's finest architects, contractors, and craftsmen. Most architectural styles popular during the late nineteenth and early twentieth centuries are represented in North Hill. The neighborhood developed as the home of Pensacola's elite upper middle class. North Hill businessmen, professional men and politicians dominated Pensacola socially, politically and economically. Their influence was felt statewide and regionally through their control of the lumber and fishing industries and through their occupation of state and national political offices. The North Hill Preservation District merits inclusion in the National Register for its architectural significance and for its association with men and events important to the history of Pensacola and the State of Florida.

(See Continuation Sheet)

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National Park Service

National Register of Historic Places
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Continuation sheet 16

Item number 9

Page 2

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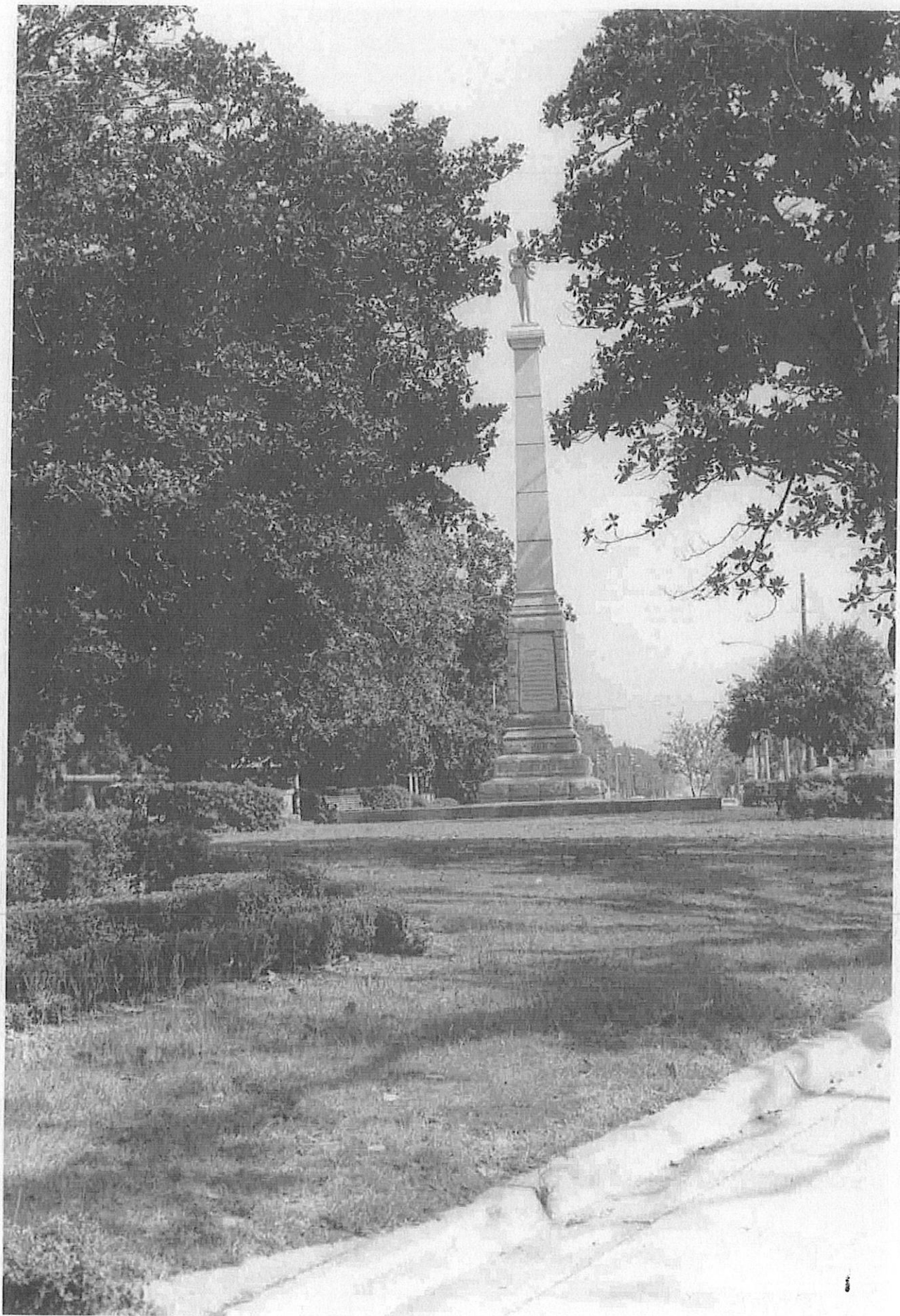
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(See Continuation Sheet)



1. North Hill Preservation District (Lee Square)
2. 600 Block, North Palafox, Pensacola, (Escambia County), Florida
3. Linda V. Ellsworth
4. 1980
5. Historic Pensacola Preservation Board
6. View across square to North
7. Photo No. 45 of 67

8ES 961

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EXHIBIT "B"

Map of District and LEE Square

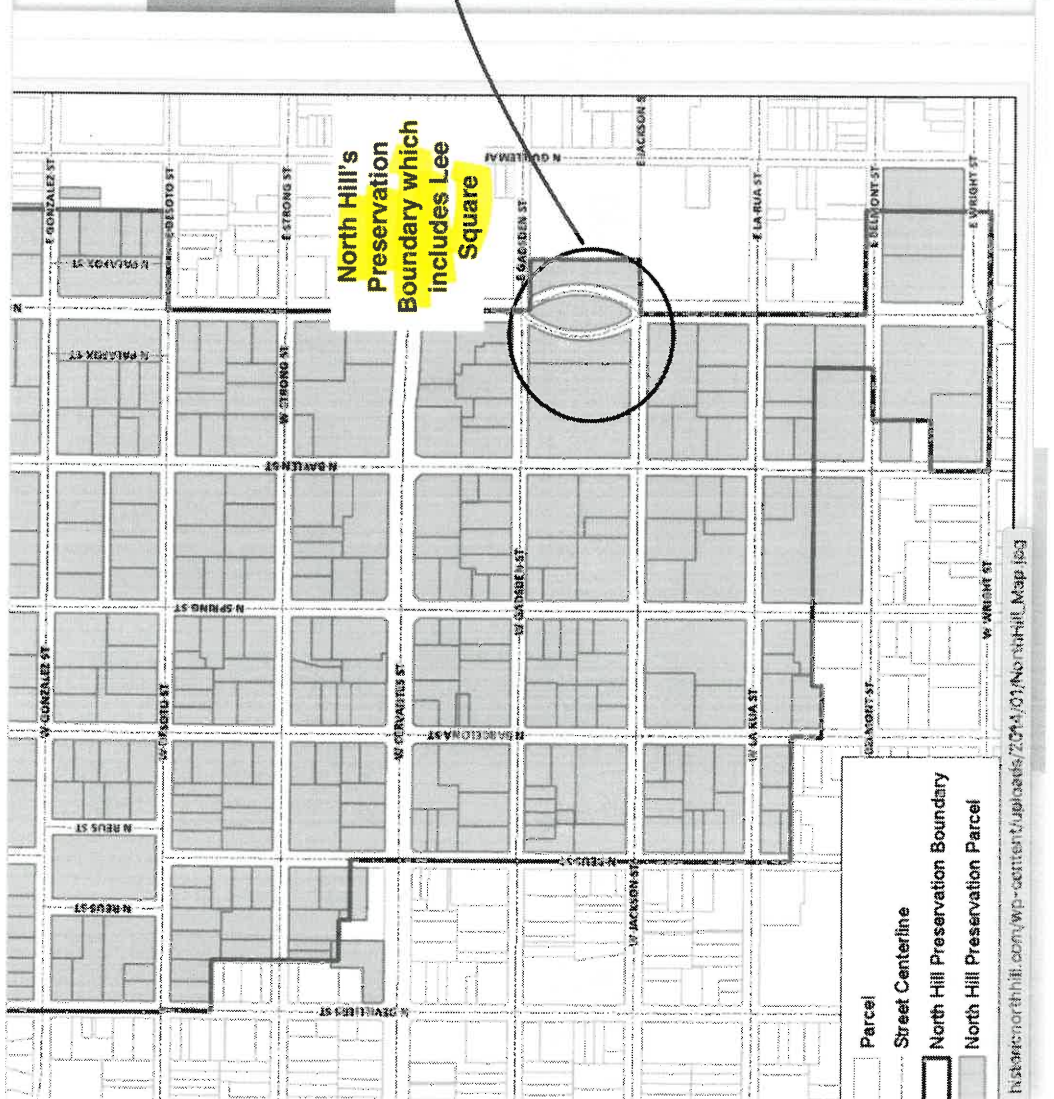
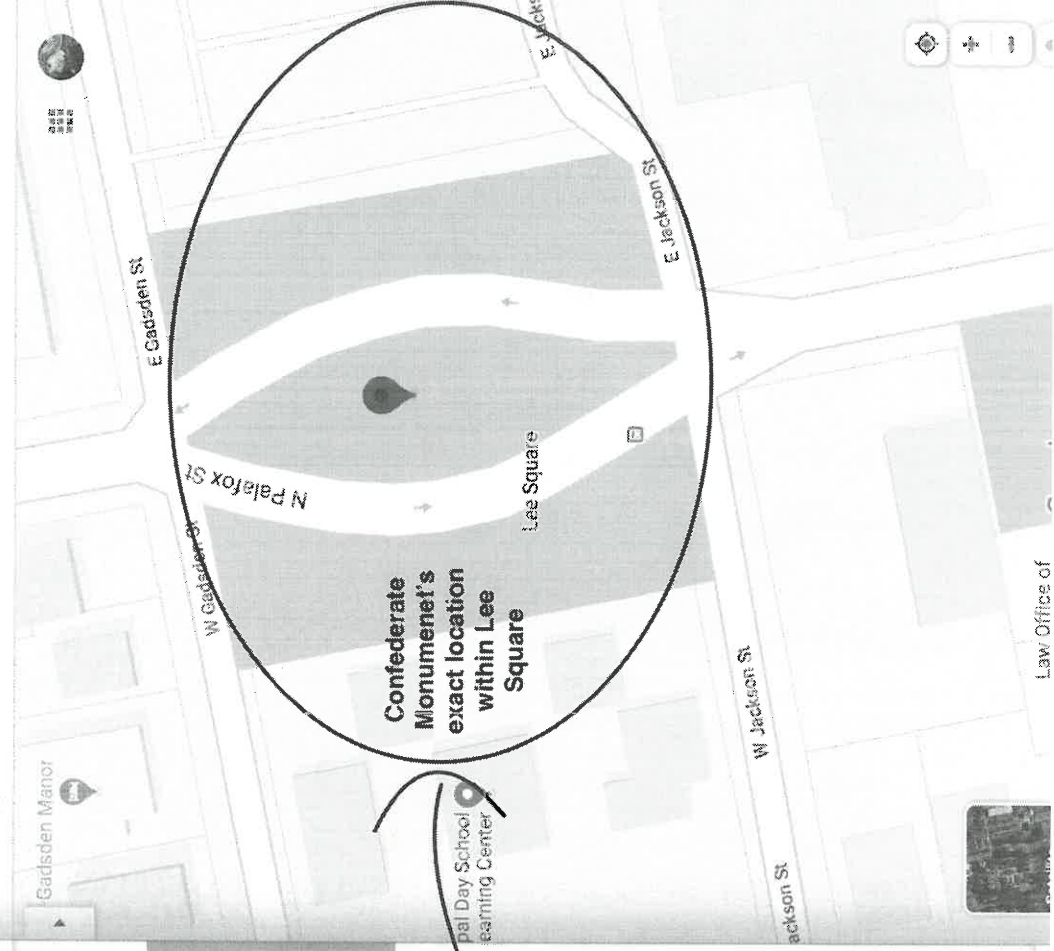


EXHIBIT "C"

City of Pensacola Special Meeting Agenda 07/14/2020



City of Pensacola

City Council Special Meeting

Agenda - Final

Tuesday, July 14, 2020, 5:30 PM

Council Chambers, 1st Floor

- Members of the public may attend and participate only via live stream or phone [cityofpensacola.com/428/Live-Meeting-Video](https://www.cityofpensacola.com/428/Live-Meeting-Video) or [facebook.com/PensacolaMayor](https://www.facebook.com/PensacolaMayor)
- Citizens may submit an online form here <https://www.cityofpensacola.com/ccinput>
12PM UNTIL 5:15 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ACTION ITEMS

1. [20-00365](#) HISTORICAL CONTEXT REVIEW OF THE LEE SQUARE CONFEDERATE MONUMENT AND EQUITABLE CONSIDERATION OF ALL PARTIES
Recommendation: That City Council authorize the removal of the Lee Square Confederate Monument. Further, that City Council authorize the Mayor to take all actions necessary to award a contract for the removal and disposition of the monument.
Sponsors: Grover C. Robinson, IV, Sherri Myers
Attachments: [Confederate Monument Staff Report](#)
2. [20-00337](#) REQUEST FOR THE RENAMING OF LEE SQUARE TO FLORIDA SQUARE
Recommendation: That City Council approve the request to rename Lee Square back to Florida Square.
Sponsors: Grover C. Robinson, IV
Attachments: [Unapproved June 18, 2020 Parks and Recreation Board Minutes](#)
[Staff Memo regarding Florida Square 1858 Map](#)
[1858 Map of Florida Square](#)

ADJOURNMENT

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the

EXHIBIT "D"

Removal Budget Proposals

ESTIMATE SHEET
Removal and Install 06/17/20

To St John's

01/00/00

NO.	ITEM	TOTAL COST
1	Permitting both demo and construction	\$8,500.00
2	Demo	
3	Scaffolding	\$5,000.00
4	Crane	\$8,500.00
5	Remove statue at top and create for travel	\$3,500.00
6	Removal of stone and crate for travel	\$30,000.00
7	Removal of interior structure	\$10,200.00
8	Demo of foundation	\$18,000.00
9	fill dirt	\$7,500.00
10	Landsacping	\$5,000.00
11		
12	Installation	
13	Transportation	\$5,000.00
14	Design and Engineering	\$12,500.00
15	Site Work	\$14,000.00
16	Foundation and slab	\$85,000.00
17	Structure	\$22,000.00
18	Stone work	\$45,000.00
19	Landscaping	\$8,500.00
20	Lighting	\$9,000.00
21	Scaffolding	\$5,000.00
22		
23	Security both demo and installation provided by PPD	\$5,000.00
24	MOT and traffic control	\$5,000.00
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Remove to St John's

CITY OF PENSACOLA
ENGINEERING DIVISION

ADD 5 %

GRAND TOTAL	\$312,200.00
CONTINGENCY	\$15,610.00
TOTAL	\$327,810.00

Remove + Store

ESTIMATE SHEET
Removal and store 06/17/20

01/00/00

NO.	ITEM		TOTAL COST
1	Permitting		\$1,500.00
2	Demo		
3	Scaffolding		\$5,000.00
4	Crane		\$8,500.00
5	Remove statue at top and create for travel		\$4,500.00
6	Removal of stone and crate for travel		\$35,000.00
7	Removal of interior structure		\$8,500.00
8	Demo of foundation		\$18,000.00
9	fill dirt		\$7,500.00
10	Landsacping		\$10,000.00
11	Transportation		\$5,000.00
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13	MOT and traffic control		\$5,000.00
14	Security provided by PPD		\$5,000.00
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CITY OF PENSACOLA
ENGINEERING DIVISION

ADD 5 %

GRAND TOTAL \$113,500.00
CONTINGENCY \$5,675.00
TOTAL \$119,175.00

Remove
Dude

01/00/00

ESTIMATE SHEET
Remove top and cover panels 06/17/2020

+ Plate

NO.	ITEM	TOTAL COST
1	Grante panels to cover existing and installation 4	\$15,000.00
2	Cover or remove wording at base	\$4,500.00
3	Scaffolding	\$4,500.00
4	Crane	\$3,500.00
5	Remove statue at top and create for travel	\$3,500.00
6	Transportation	\$2,500.00
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8	Security provided by PPD	\$5,000.00
9	MOT and traffic control	\$5,000.00
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CITY OF PENSACOLA
ENGINEERING DIVISION

ADD 5 %

GRAND TOTAL \$43,500.00
CONTINGENCY \$2,175.00
TOTAL \$45,675.00

EXHIBIT "E"

Article concerning Monument damage upon Moving



LOCAL

While moving it in the middle of the night, crews break Confederate monument

Mark Young and Hannah Morse

MYOUNG@BRADENTON.COM

HEMORSE@BRADENTON.COM

AUGUST 24, 2017 09:31 AM , UPDATED SEPTEMBER 05, 2017 01:47 PM



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ACCEPT COOKIES



In video provided by the Manatee County Government, the spire of the 22-foot obelisk Confederate statue outside of the historic courthouse fell and broke in two pieces during an early morning mission Thursday. BY MANATEE COUNTY GOVERNMENT

 We're loading your content, stay tuned!

BRADENTON

Manatee County removed the Confederate war veteran memorial from the Manatee County Courthouse grounds at 3:30 a.m. Thursday — “when no one’s around,” said County Administrator Ed Hunzeker.

And when commissioners discussed the removal at their meeting Thursday, it was revealed that the monument had been broken in the process. The top portion of the monument wasn’t attached to its base — on which the names Jefferson Davis, Stonewall Jackson and Robert E. Lee are engraved — and it toppled over during removal, breaking in half.

“The shaft’s easy separation from the base was a sign that the monument was a potential hazard before the move began and could have toppled in a strong storm or if it had been pushed or pulled at the right point,” stated a Manatee County press release.

TOP ARTICLES



Lakewood Ranch retains top spot in the U.S. as best selling multi-generational community

Woodruff & Sons, the local contractor hired to remove the statue, “has extensive experience in moving heavy objects,” according to the county’s press release.

It cost the county \$12,700 to remove the statue.

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SIGN UP

According to Manatee County spokesman Nick Azzara, the property management budget had enough funds to cover the removal costs. As of Thursday morning, only the slab remained. Officials declined to identify where the monument pieces had been taken, saying only that they were “laying on the ground.”

The county is recommending that the monument not be repaired until it finds a new home. It would be repaired during installation at a new location.

Woodruff & Sons referred all questions about the 93-year-old monument falling during removal to the county.

Black Lives Matter had threatened one protest a week for six weeks if the county did not take action. Protest organizer Ruth Beltran said the county’s vote to remove the monument would eliminate the need for protests, but only if they kept their word. Beltran received word of the removal Thursday morning.

“We are very pleased with the quick removal of the symbol of racism, hatred, and white supremacy from the public courthouse in Manatee County,” she said. “Now that this physical symbol has been removed, we can move on to eliminate the less visible, and yet very present element of white supremacy in our different social systems today.”

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America First-Team Manatee, which organized a counter-protest on Monday, suggested it may take the county to court because of its “lawless” action.

“We are extremely disappointed by the decision made by four of the county commissioners, Betsy Benac, Charles Smith, Carol Whitmore and Priscilla Whisenant Trace, who voted to remove the veterans Confederate monument, under the guise of ‘public safety’ because of the continued threats of violence from outside groups,” the group said in a news release.

The group’s members said they do not see the monument as a public safety issue and took offense to the commission’s decision to vote on the issue Tuesday when it was not on the agenda for action.

“The monument has now been removed,” the release continued. “America First-Team Manatee along with several groups and individuals are looking into any and all administrative and legal remedy available to reverse the lawless actions of these county commissioners.”

POINTING FINGERS

During Thursday’s meeting, the commissioners shifted some of the blame for what happened to the monument onto the Manatee County Clerk’s Office, which had previously moved the monument when the courthouse grounds were landscaped. There was some speculation that the monument may have been cracked at that time.

Clerk of the Circuit Court and Comptroller Angelina Colonnese disputed that claim, and she issued a statement that the clerk’s office hadn’t wanted the monument moved.

“The Clerk’s Office did not ‘decline’ to move the monument as stated by Commission Chairwoman Betsy Benac,” Colonnese said in a prepared statement. “The Clerk’s Office had no authority to remove the monument off of county property in which previous Board of County Commissioners voted to place.”

Colonnese said her office was never notified of the county’s plans to remove the monument Thursday morning.

“Subsequent to the board’s vote to remove the monument, this Clerk did provide photos to Charlie Bishop, the director of property management, in order to show how it was placed during the landscape remodel to assist with the engineering of the removal.”

Colonnese said Bishop publicly stated that the monument was tilting and believed that’s why it cracked, but Colonnese said photos show differently. She pointed to the video released by the county showing that the monument cracked due to the

“(Former clerk) R.B. “Chips” Shore valued history in this county as evident in his many contributions to historical resources in this county,” Colonnese said. “He took great care in moving the Confederate Monument as part of the landscape project.”

Bishop did not return a call for comment, but in the county’s statement he is quoted as saying: “We took every safety precaution to respectfully move this to a safe location. ... Thankfully no one was hurt when the spire came down. We’re confident that it can be fully repaired and safely placed in a permanent location once the location is determined.”

SEEKING PUBLIC INPUT

Benac said it’s important to reach out to the public during the transition period of finding the monument a new home. Commissioners have suggested locations in either Bradenton or Palmetto and the Gamble Mansion.

Palmetto Mayor Shirley Groover Bryant and Bradenton Mayor Wayne Poston indicated they would not likely take any action either way without a formal request from the county. Florida Department of Environmental Protection, which manages Gamble Mansion under the Florida Parks Service, was unable to respond to the rapidly changing developments, but agreed with the two cities on Thursday.

“The Florida Park Service hasn’t been contacted by Manatee County to move any monuments to the park,” said Lauren Engle, FDEP communications director.

Apparently referring to some of the public feedback on the commission’s decision to move the monument, Benac reminded that it’s a first-degree misdemeanor to threaten the life of elected officials. In the meantime, she said, she has received “a lot of emails about the history” of the Confederate leaders on the monument, and suggested a possible exhibit be set up at the Bradenton Auditorium to teach the public about those on the monument.

“A lot of this rage comes from people who are uninformed, and we need to have them informed,” she said.

The county will plan more meetings to seek input on what the residents of Manatee County would like to see in terms of a relocation.

In a [4-3 vote on Tuesday](#), the commission approved a motion to remove the memorial, which had been in front of the courthouse since 1924 after it was donated by the United Daughters of the Confederacy, and place it in temporary storage while the [county sought a possible new home](#) for the monument.

The county's divided vote came just one day after [hundreds of protestors marched](#) on the county courthouse, with the majority of them being for the removal. Many of the protestors came from out of town for the demonstrations, which were organized by Bradenton Indivisible Pro-gressive, Manasota Black Lives Matter, Answer Suncoast and the Party for Socialism and Liberation.

The Manatee County Sheriff's Office made three arrests during the mostly peaceful protest and two of the three arrested were not from Bradenton. The sheriff's office estimated that the event cost [taxpayers between \\$20,000 and \\$30,000](#) in overtime for the heavy law enforcement presence to keep the peace.

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Hannah Morse: [941-745-7055](tel:941-745-7055), [@mannahhorse](https://twitter.com/mannahhorse)

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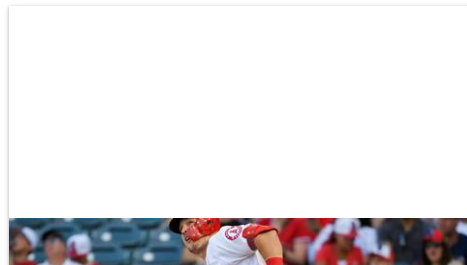
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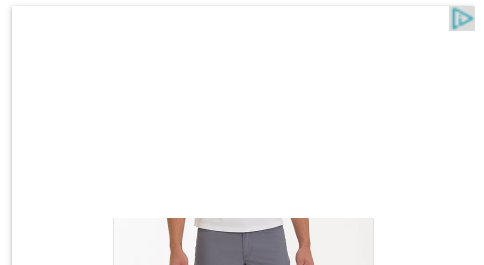
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