



# City of Pensacola

## CITY COUNCIL

### Special Meeting Minutes

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July 10, 2017

3:34 P.M.

Hagler-Mason Conference Room

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#### ROLL CALL

Council Members Present: Council President Brian Spencer (left 2:45), Council Vice President Gerald Wingate (arrived 1:55), Sherri Myers, Andy Terhaar, P.C. Wu

Council Members Absent: Larry B. Johnson, Jewel Cannada-Wynn

#### ACTION ITEM

**Council President Spencer called this special meeting to order for the following purpose:**

1. [17-00407 QUASI-JUDICIAL HEARING: REVIEW OF ARCHITECTURAL REVIEW BOARD \(ARB\) DECISION - 101 E. MAIN STREET, PALAFOX HISTORIC BUSINESS DISTRICT, C-2A, SIGNAGE](#)

**Recommendation:** That City Council conduct a Quasi-Judicial hearing to review the Architectural Review Board's decision of April 20, 2017 regarding 101 E. Main Street, Palafox Historic Business District, C-2A, Signage.

First, Council President Spencer explained by reading into the record a summary of how a quasi-judicial process differs from Council's legislative process. He then called on **City staff to present evidence on behalf of the City**. City Administrator Olson indicated Planning Services Administrator Morris is in attendance.

Planning Services Administrator Morris was called and she summarized the event of the April 20, 2017 Architectural Review Board's discussion and decision during a regular meeting with regard to the approval of the proposed signage at 101 East Main Street (Holiday Inn Express). She said the application submitted was originally for abbreviated review, but was forwarded to the ARB for full review.

City Attorney Bowling clarified this issue is strictly an appeal by the applicant and no opposing parties have come forward. She also responded accordingly to questions from Council President Spencer regarding the (quasi-judicial) process.

**CONT'D: QUASI-JUDICIAL HEARING: REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION – 101 EAST MAIN STREET (HOLIDAY INN EXPRESS)**

Before moving further with witness testimony, **swearing-in of all witnesses** whom are to give or may give testimony (including Planning Services Administrator whom was currently called) was administered by City Attorney Bowling.

Planning Services Administrator Morris continued with testimony as Council Members were provided an opportunity to ask questions which she responded accordingly, referencing minutes and video from the April 20, 2017 ARB meeting. City Attorney Bowling provided further clarification regarding Council's decision making process as it relates to hearing this appeal in a quasi-judicial setting.

**Mr. Kramer Litvak, attorney representing the applicant, inquired of ex parte communications Council Members may have received.**

*No Council Members indicated they had any communications outside of this hearing.*

**Following, Mr. Litvak was called to provide documentary evidence and/or testimony.**

Mr. Kramer Litvak, indicated he is the attorney for the applicant, Steve Salter of Ellis Crane Works **appealing the decision by the Architectural Review Board to deny the application for internally illuminated signage for the hotel development at 101 East Main Street.** Mr. Litvak addressed Council as outlined in his memorandum of law dated July 10, 2017 which he entered into the record. He also pointed out he has provided for a court reporter to be present for today's proceedings. He also referenced overhead slides which he provided throughout his presentation of evidence and provided for the record. He argued that Section 12-2-21(F)(4)(a) provides a list of prohibited signage for the Palafox Historic Business District in which the hotel is being developed, but it does not list internally illuminated signs as prohibited while other surrounding districts do specifically prohibit.

**Mr. Litvak then called on witness testimony from Mr. Steve Salter of Ellis Crane Works who made the application to the ARB for internally illuminated signage. Mr. Salter then testified under oath responding to questions of Mr. Litvak.**

Council Members then were provided an opportunity to ask questions of Mr. Salter which he responded accordingly. Planning Services Administrator Morris also responded to questions of Council Members and further clarification regarding the appeal was provided by City Attorney Bowling.

Following, Mr. Litvak was provided an opportunity to ask questions of Planning Services Administrator Morris which she responded accordingly. Mr. Litvak requested the application materials presented to the ARB be entered into the record.

**CONT'D: QUASI-JUDICIAL HEARING: REVIEW OF ARCHITECTURAL REVIEW BOARD (ARB) DECISION – 101 EAST MAIN STREET (HOLIDAY INN EXPRESS)**

Council then began its deliberations with discussion ensuing.

Council President Spencer made comments specifically for the record indicating he is extremely disappointed with the choice of signage by the developer which he believes is unfortunate since the whole development otherwise fits in with the district. He further indicated he hopes Mr. Salter will take his comments back to the developer and hopes they will reconsider the signage.

Discussion continued among Council.

**A motion was made by Council Member Myers and seconded by Council Member Terhaar that City Council overturn the Architectural Review Board decision as was rendered on April 20, 2017 regarding 101 East Main Street, Palafox Historic Business District, C-2A Signage (internally illuminated) and approve the application as submitted without conditions.**

**The motion carried by the following vote (with Council President Spencer no longer in attendance):**

Yes: 4	Gerald Wingate, Sherri Myers, Andy Terhaar, P.C. Wu
No: 0	None

**ADJOURNMENT**

There being no further business on the agenda the special meeting was adjourned at 2:48 P.M..