



City of Pensacola

CITY COUNCIL Special Meeting Minutes

May 16, 2019

3:30 P.M.

Council Chambers

Council President Terhaar called the meeting to order at 3:31 P.M. **for the purpose of conducting a Quasi-Judicial Hearing – Appeal of Architectural Review Board Decision.**

ROLL CALL

Council Members Present: Andy Terhaar, P.C. Wu (arrived 3:34), Jewel Cannada-Wynn (arrived 3:49), Ann Hill, Jared Moore, Sherri Myers

Council Members Absent: Gerald Wingate

ACTION ITEMS

1. [19-00247 REVIEW OF ARCHITECTURAL REVIEW BOARD \(ARB\) DECISION OF APRIL 18, 2019; NEW CONSTRUCTION - 314 E. BELMONT STREET - OEHPD/OEHC-1.](#)

Recommendation: That City Council conduct a quasi-judicial hearing to review a decision of the Architectural Review Board.

First, Council President Terhaar explained by reading into the record a summary of how a quasi-judicial process differs from Council's legislative process. Following, Assistant City Attorney Wells advised Council Members should disclose any ex parte communications. **He cited an email he is aware of as ex parte communication forwarded to Council Members from the Old East Hill Property Owners' Association, which is not specific to this case but speaks to ARB appeals in general (copy at Council's places - - on file with background materials).** Each Council Member (individually) disclosed ex parte communications and the context of such or indicated they did not have any. (Text message with pictures - - on file with background materials).

At this point, Assistant City Attorney Wells swore-in City staff and the applicant.

Then, Council President Terhaar called on **City staff to present evidence on behalf of the City into the record and provide testimony.**

Assistant Planning Services Administrator Deese presented and entered evidence into the record on behalf of the City as outlined in the memorandum dated May 16, 2019 and its (listed) attachments. Further, she provided hardcopies at Council's places: 1) Section 12-2-10 *Historic and preservation land use district; (C) Old East Hill preservation zoning districts, OEHR-2, OEHC-1, OEHC-2, and OEHC-3* of the Code of the City of Pensacola; and 2) Examples of metal roofing styles available within the industry, photos of various metal roofing existing within the district and a history synopsis regarding metal roofing (on file with background materials). While presenting evidence she also provided testimony related to the various metal roofing styles currently existing within the district; how the issue of the metal roofing style installed is not what was approved by the Architectural Review Board (ARB); and the applicant reapplying to the ARB requesting approval for the style of roofing which apparently was installed but was denied. She then responded to questions from Council related to the information provided on the various metal roofing styles and how such styles are applied within the City's Land Development Code (LDC) by the ARB.

Next, Council President Terhaar **called on the applicant to present evidence into the record and provide testimony.**

Kevin Stevens representing *Flynn Built* (applicant) provided testimony explaining the mishap which caused the wrong style of metal roofing to be installed on the newly constructed home and clearly stated they are at fault. He indicated they found the estimated cost to remove the roofing and replace with the approved style was approximately \$13,000 – 15,000. He stated that is an excessive amount to lose on a 1,000 square foot home, therefore, they reapplied to the ARB requesting approval be granted for the (style) metal roof which was wrongly installed. He indicated that the denial was based on the board's understanding that no other roofs of that style existing within the district. He then presented as evidence overhead slides of pictures of various metal roofing styles currently within the district and in close proximity which he stated there are a multitude of similarly styled metal roofs or the same as what was (incorrectly) installed. He also showed the subject home under construction and the installed roofing (on file with background materials). He reiterated, yes, this was an oversight on their part, but believes from what currently exists within the district it is compatible and not an eyesore. Wrapping up, **he stated they humbly ask for leniency from the Council to grant approval of the classic rib style metal roofing which was (wrongly) installed, instead of 5v crimp metal roofing.** He then responded to questions from Council Member Moore related to the existing roofs being compared within the district with regard to approval and permitting.

Public input was heard from the following individuals:

Lou Courtney

Christian Wagley

Council Member Cannada-Wynn asked about specificity of materials within the LDC and the authority of the ARB with Assistant Planning Services Administrator Deese indicating it is somewhat subjective. Council Member Hill inquired as to guidelines for Council as a course of action to be taken which Assistant City Attorney Wells provided clarification, indicating Council has the ability to grant or deny the applicant's request.

Assistant Planning Services Administrator Deese and Inspections Services Administrator Bilby responded accordingly to further questions of Council Members related to ARB approval and permitting requirements. Mr. Stevens also continued to respond to questions comparing the difference in style of roofing wrongly installed versus what was approved for installation.

A motion was made by Council Member Moore and seconded by Council Member Cannada-Wynn that the applicant's request to grant approval of the classic rib style roofing which was (wrongly) installed be denied (upholding the decision of the Architectural Review Board).

Council Member Myers made comments indicating she is sympathetic to the applicant's position, but the roofing permit issued was specific to the ARB's approval.

A substitute motion was made by Council Member Wu and seconded by Council Member Terhaar that the roofing style on the (front) porch overhang be replaced (correctly) with 5v crimp metal roofing which was approved by the Architectural Review Board and grant an exemption for the remainder of the roof which was wrongly installed with classic rib style metal roofing

Council Member Moore made comments indicating he cannot support the substitute motion.

There being no further discussion, the vote was called on the **substitute motion**.

The substitute motion failed by the following vote:

| | |
|--------|---|
| Yes: 2 | Andy Terhaar, P.C. Wu |
| No: 4 | Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers |

Council President Terhaar indicated the **original motion is back on the floor and there being no further discussion, called for the vote.**

The (original) motion carried by the following vote:

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|--------|---|
| Yes: 4 | Ann Hill, Jared Moore, Jewel Cannada-Wynn, Sherri Myers |
| No: 2 | Andy Terhaar, P.C. Wu |

DISCUSSION ITEMS

None.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 4:27 P.M.

Adopted: _____

Approved: _____
R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk