



## MINUTES OF THE ARCHITECTURAL REVIEW BOARD

August 19, 2021

**MEMBERS PRESENT:** Chairperson Salter, Vice Chairperson Mead, Board Member Courtney, Board Member Ramos, Board Member Spencer, Board Member Yee

**MEMBERS ABSENT:** Board Member Fogarty

**STAFF PRESENT:** Historic Preservation Planner Harding, Planner Hargett, Network Engineer Johnston

**STAFF VIRTUAL:** Planning Director Morris, Assistant Planning Director Cannon, Senior Planner Statler, Advisor Pristera

**OTHERS PRESENT:** Watson Aldridge, David Del Gallo, Philip Bates, Sarah Battaglia, Ron Kilpatrick, Tosh Belsinger, Jacob Hensor, James L. Gulley, Barbara Slade, Erik Stolhans, John Buzzell, McDaniel Wyatt, Steve Dana, Brad Alexander

### **CALL TO ORDER / QUORUM PRESENT**

Chairperson Salter called the meeting to order at 2:04 p.m. with a quorum present. Lou Mitchell Courtney was sworn in by the City Clerk's Office

### **APPROVAL OF MINUTES**

**Board Member Mead made a motion to approve the July 15, 2021 minutes, seconded by Board Member Ramos, and it carried unanimously.**

### **OPEN FORUM** - None

Board Member Mead mentioned the fact he was required to sign in for the ARB meeting in the front foyer and did not feel it was appropriate to require people to sign in to attend an open meeting. Staff agreed to consult the Assistant City Attorney on this issue.

### **NEW BUSINESS**

**Item 3**

**435 E. Government St.**

**PHD**

**Contributing Structure**

**HC-1 / Wood Cottages**

**Action taken: Approved.**

Brian Spencer is seeking approval to replace all of the existing windows at a contributing structure. The proposed new windows will be wood with aluminum cladding and would match those approved in the June 2020 project where two new dormers were reviewed and approved by the Board for

the second story. The east side entry doors were also proposed to be replaced with new clad French doors which was a minor deviation from the approved aluminum doors from June 2020. On the west elevation, the two front-most windows would be reduced by approximately 6" in size to accommodate interior kitchen space. All new wall infill in this area would match the existing wood siding in profile and color.

Mr. Spencer recused himself and presented to the Board. He stated they were seeking approval for newly rated windows for today's hurricane wind and impact loads, the Windsor clad wood window product, which was an approved product for this district. He pointed out that there was supplemental or after-market glazing which had been installed over some of the windows. With approval of the new windows, the storm window would be eliminated, and the building would have the same painted dark green wood jam trim frame without the appearance of the anodized aluminum frame window. Advisor Pristera suggested the windows appeared to be from a 1970s or 1980s renovation. He indicated they did a good job of matching the style, but with the addition of the storm windows, it detracted from the overall look. The new windows would maintain the look of what the original windows would have been without the storm windows, and he did not have an issue with the project. Board Member Courtney asked about the shutters, and Mr. Spencer stated some of them might be operable, but those had not been a part of the renovation project. Board Member Courtney suggested placing a diagonal on the shutters to keep the wood from sagging.

**Board Member Yee made a motion to approve as submitted, seconded by Board Member Mead, and it carried 5 to 0 with Board Member Spencer recusing.**

#### **Item 4**

**1002 N. Baylen Street**

**NHPD**

#### **Contributing Structure**

**PR-1AAA**

#### **Action taken: Approved with Comments.**

Erik Stolhanske is seeking approval to replace all windows and entry doors at a contributing structure. The existing wood windows are proposed to be replaced with Andersen wood windows with fiberglass cladding. These will match the existing in profile, dimensions, and color, and will have full divided lites. If approved, this project will be done in phases, with the attic windows and entry doors custom-made.

Mr. Hensor presented to the Board. North Hill had no objections but asked for clarification on the styles of the windows. It was determined they would be 2-over-2 and true divided lite. Advisor Pristera asked how they determined this was the best solution, and Mr. Hensor stated the storm windows were placed over the originals with the windows painted shut; it was a safety hazard and not aesthetically pleasing. Board Member Courtney had observed some of the windows were not well supported and possibly in need of structural work. Mr. Hensor agreed and also stated the siding had been replaced possibly without ARB approval. Ms. Slade had conversed with the window installer; they would be removing the vinyl, performing structural work, and replacing any wood which needed changing to bring it back to its original form. Staff advised some renovations might done board-for-board where all changes were in-kind which could be done at the staff level; anything which exceeded that would return for an abbreviated review or to the full Board. Board Member Ramos stated North Hill had requested the replacement windows have a similar pattern to the existing, and Ms. Slade indicated they preferred 2-over-2 except for the single attic window which would match the existing. Advisor Pristera confirmed 2-over-2 windows and 1-over-1 where appropriate would be preferred. Ms. Slade explained they planned to use real shutters and felt they could probably repair the front windows under the porch; however, all the other windows were vulnerable since there were no trees for protection.

**Board Member Spencer made a motion to approve with the Anderson wood windows; Chairperson Salter made an amendment to clarify that the proposed pattern would be 2-**

**over-2 as indicated in the package and discussed. The motion was seconded by Board Member Courtney, and it carried 6 to 0.**

**Item 5**

**301 S. Adams Street**

**PHD  
HC-1**

**Contributing Structure**

**Action taken: Conceptual Approval with Comments.**

Scott Holland is seeking *CONCEPTUAL* approval for the addition of a shed roof to the north side of a contributing structure. The proposed addition will be built with KDAT heavy-timbers columns, wood brackets, and a galvalume 5-v crimp metal roof to match the existing.

Mr. Holland presented to the Board and advised they were remaining in the required setbacks, and the covered area would encompass around 320 sq. ft. for outdoor dining. Chairperson Salter stated it appeared from existing elevations, the intent was to remove the existing rafter tails on the north elevation in order to tie in the roof plane, and he questioned the necessity of that. While he saw the necessity of outdoor dining, he preferred the canopy to be less destructive to the original historical structure and possibly be an independent structure that could tie in underneath the rafters. Board Member Spencer did not think it was appropriate to separate the canopy from the original structure and asked if the rafter tails should remain and be visible. Chairperson Salter felt it could be done without altering the existing structure and suggested the proposed covering could drop 18" or so and slide underneath the rafters and tie to the existing building or be independently supported there. Board Member Courtney asked about a gutter, and Mr. Holland stated the edge of the overhang was on the owner's property and would not overhang the sidewalk. Mr. Kilpatrick clarified that the existing pecan tree had center rot and a huge part of the tree was hanging over the roofline, and they were slowly taking large chunks of it out. He also advised they cleaned up the pecans before customers arrived, but they were still constantly dropping to the ground. Staff advised that the LDC for this district stated to remove or prune a tree, a permit would be issued through the Parks and Recreation Department; in this case, he felt the requirements for a diseased tree were being met.

Board Member Ramos agreed with keeping the rafter tails as opposed to gutters and liked the profile of the proposed covered dining area; he understood why the proposed structure was not tied to the building because of the head height of the windows and suggested it might be an independent structure as close to the existing building as possible. Mr. Holland furnished an option they had considered to tie into the existing building. Chairperson Salter indicated the alternate option did tie in above the roof and retained the rafter tails which was in line with the discussion point. Board Member Mead agreed the alternate option did address his concern as long as the front rafter fascia was prominently in front of the line of the shed.

**Board Member Courtney made a motion to approve conceptually with the new variation keeping the rafter tails and bringing in the shed roof slightly from the side view, seconded by Board Member Ramos, and it carried 6 to 0.**

**Item 6**

**6 E. Wright Street**

**PHBD / NHPD  
C-2A**

**Contributing Structure**

**Action taken: Approved with Abbreviated Review.**

David Del Gallo is requesting approval for a change of roofing materials at a contributing structure. The current slate tile roof at United Methodist Church was damaged during Hurricane Sally and is in need of replacement. The church would like to reroof the sanctuary with a new standing seam metal roof in a weathered color. Color samples from PAC-Clad Sheffield products were provided for discussion and a sample of the metal panel profile was furnished at the meeting.

Mr. Bates, Chairman of the Board of Trustees of the church, presented to the Board and stated the application concerned the main sanctuary roof which was slate, and engineers hired by the

church suggested it be replaced. He indicated there was damage to other buildings on their property because of the slate pieces becoming dislodged, and they did not want to replace the roof after every hurricane. In order to replace the roof with slate, the cost would be \$749,243. They preferred the metal roof since it would withstand 140+ MPH winds. The two alternatives would be copper costing an additional \$368,000 at today's prices. There was an option of a galvalume roof which was the type they were seeking at a cost around \$96,000 less than the slate roof, and it came with a 20-year warranty and would withstand 139 MPH winds. They recognized the historic nature of the building but did not feel that the metal was an aesthetic problem and sought to find a happy medium with the galvalume roof. He also pointed out other churches with similar metal roofing.

Advisor Pristera questioned the roof replacement after Ivan, and Mr. Bates indicated the entire sanctuary roof was replaced. Advisor Pristera stated the slate was probably not the best material in Florida because of the storms but was surprised the current roof had not lasted longer. He advised the metal roofing was the material being used and understood the financial issues. Mr. Bates advised they had an engineering report which stated replacing the slate was not an option and a contractor gave three alternatives. While the community would appreciate the aesthetics, it was only their membership who provided the funds. He submitted a sample of the metal in the Weathered Copper color. Advisor Pristera stated he would have to rely on the Board's opinion since they were viewing the actual sample. Board Member Mead did not feel it was inappropriate for a building of this style to have a metal roof, and galvalume was appropriate, but it came down to color and the application to not make it shout new roof for the next 25 years. It would probably patinate over the years or they could pre-patinate it in its application or patinate it on site, but it should be done in some manner to suite the building. Mr. Bates explained they had selected three colors, Aged Copper, Weathered Copper and Weathered Steel; the sample furnished to the Board was Copper-Ten Raw. He pointed out that the church had a 200<sup>th</sup> anniversary coming in December, and they wanted to celebrate that event in the church building.

**Board Member Mead made a motion to change the roof to a metal form and submit the color and finish in an abbreviated review to fit the historic character in the terms described by the Board in an abbreviated review.** Chairperson Salter pointed out that this was a replacement slate roof which played a lot toward how he would vote. In order to expediate this decision, Board Member Spencer preferred Board Member Mead making a motion that would specify that the Board vote on the sample submitted then possibly no abbreviated review would be necessary. Board Member Mead, Board Member Ramos and Chairperson Salter were not in favor of the sample presented. **Chairperson Salter then seconded the motion.** Board Member Spencer stated since the church had an upcoming anniversary date, with ordering and supply challenges, he asked if the abbreviated review process could be expedited. Staff advised if the motion passed, they could begin conferring with Mr. Del Gallo on the specifics the following day. **The motion then carried 6 to 0 for change in materials. Finalizing an acceptable color would be made as quickly as possible through an abbreviated review.**

#### Item 7

36 E. Garden Street

PHBD

#### Demolition-Contributing Structure

C-2A

#### Action taken: Approved with Comments.

Philip Partington is seeking approval for demolition of a contributing structure. The applicant has provided a hurricane damage assessment which details substantial structural damage to the building and a recommendation that the exterior wall not be relied upon to meet the structural requirements of the current Florid Building Code. Per Sec. 12-3-27(f)(2)d., in the case of a proposed demolition, that regulations established in Sec. 12-3-10(1)i through k shall apply. This section of ordinance (subsection i.) outlines demolition of contributing structures in which the

applicant shall demonstrate an unreasonable economic hardship or unusual and compelling circumstances. "The board shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular structure against the special merit of the proposed replacement project."

Spencer recused himself from the item.

**Board Member Yee made a motion to approve the demolition, seconded by Board Member Mead, and it carried 5 to 0.** Staff indicated as with all demolitions there was the option for the applicant to actually pull the demolition permit without seeking final plans. Chairperson Salter stated it was his understanding that the Board had traditionally required final approval and that was what he anticipated in this situation. Staff explained the ordinance was worded that the applicant could provide conceptual elevations, conceptual site plans and conceptual foundation plans, but they did not have to actually pull the demolition permit. Board Member Mead stated the key part was to hold them to their conceptual plans, but if they tried to modify them, they would start over. His concern was that as a newly constructed building, it would still accomplish what they would have done in a renovation of the existing structure. Rather than the foundation plan with the existing structure, there should be finished plans with everything that goes with newbuilt construction to accomplish the same substantial form.

Mr. Spencer again cited the word unusual and with the road work going on, there was no danger to pedestrians, and it was basically a construction zone in totality from the East Garden Street section over to Chase; it could be an ideal time for a demolition to occur. Staff advised that in the past, the Board had been allowed to say these requirements have been met (with the previous approval), and they could apply for a demolition permit, or these things had not been met. Board Member Mead felt it was complicit in conceptual approval the Board had of the plan to the specificity it was given originally. **Board Member Mead moved that the Board find that the plans which were submitted for renovation to final approval as occurred previously, meet the intent and substance of the provisions with regard to the submission of plans for issuance of a demolition permit, and that the Board's review of the newbuilt plans is going to be primarily focused on those elements which have to change to accomplish the same objectives in newbuilt construction as previously approved.** Chairperson Salter clarified that the Board felt the applicant had met the requirements to obtain a demolition permit based on information provided to the Board – they could basically pull a demolition permit to tear the existing building down. **Board Member Yee seconded the motion. After providing clarification to Board Member Ramos, the vote carried 5 to 0 with Mr. Spencer recusing.**

## Item 8

36 E. Garden Street

PHBD

### New Construction-Conceptual

C-2A

#### Action taken: Conceptual Approval.

Philip Partington is requesting *CONCEPTUAL* approval for a new single-story commercial building. The proposed plans show a rebuild of the existing building and are nearly identical to final plans which were approved by the Board in February 2020. At that time, however, the application was for an alteration to a contributing structure rather than new construction. The new plans continue to show a covered outdoor seating area and green wall systems, aluminum entry doors and window systems, a standing seam metal roof system supported by columns, and metal canopies. Board Member Spencer recused himself and stated this request was unusual. They had proceeded to final approval before COVID, and the project then went into hiatus; Hurricane Sally inflicted damage which had not occurred when the project was previously submitted. A hurricane damage assessment was provided, and it was determined it was more practical to demolish the building and rebuild what the Board had previously approved. The only change would be the name to Union Public House.

Chairperson Salter stated he would not classify the Reynolds Music House as an architecturally significant contribution in its current state; there were pieces and parts which were iconic, but not in good shape. The criteria applied by the Board for the significance of the structure, the importance to the integrity of the district, whether reasonable measures could be taken to secure the structure, in the way it was presented, what we would be gaining was more representational of a historic structure, and the current structure was questionable in its current structural integrity. Board Member Mead indicated Hurricane Sally had deteriorated the usefulness of the structural fabric for the design intended. Also, since this had already been approved in its current form, they more than satisfied the requirement that the design replacement would suit the district. Mr. Spencer advised as the drawing depicted which was approved on the conceptual level, it was implying a masonry loadbearing wall anywhere from 12" to 18" thick; that would occur whether it be a combination of reinforced CMU with a sheathing of 8" with an additional 3" to 4" of sheathing, insulation and a finish; it would not be loadbearing brick; the brick if painted would return to give the appearance of a loadbearing masonry building.

Staff advised the item was brought to the Board for conceptual review, but the applicant had asked that it be considered final, and the Board gave final approval. Board Member Mead understood that the Board gave final approval for a building renovation but felt the significant details in a newbuilt structure should return to the Board for final approval. Mr. Spencer clarified that during the presentation, it had actually gone from conceptual to final approval. Staff advised if the demolition was approved, the project would return to the Board for final approval. Advisor Pristera indicated he would also approve the demolition.

**Board Member Mead made a motion to approve the concept as previously submitted in conceptual form, with the final returning to the Board with the details of newbuilt construction. Board Member Ramos seconded the motion, and it carried 5 to 0.**

#### Item 9

200 BLK W. Garden Street

PHBD / GCD

#### New Construction-Conceptual

C-2 & C-2A

#### Action taken: Conceptual Approval with Comments.

John Buzzell, Bearing Point Properties, is seeking *CONCEPTUAL* review of a new mixed-use, multi-family property located at the corner of Garden Street and Spring Street. The proposed mixed-use project includes approximately 329 residential units offered for rent, 53 condominium units offered for sale, and approximately 37,000 square feet of grocery retail space. The space for all of these uses is proposed to surround a central parking garage to accommodate the entire development. This conceptual packet included a site plan, elevations and renderings, and preliminary materials. Staff also provided a timeline detailing past ARB reviews for this project and zoning maps and advised the elevations had been slightly revised, and hard copies were provided to the Board with revisions available online.

Mr. Buzzell presented to the Board and explained the lower levels of the parking were available for the grocery retail with upper levels for the residential units.

McDaniel Wyatt stated this property sat as the western gateway to downtown Pensacola. The majority of the existing site had been razed. The remaining structures were the blighted school building and two historic elements which they planned to incorporate into the design - the arches of the former USO building along South Spring and the façade of the former school building at Garden. He explained level I with parking, grocery and vehicular access, Level II grocery and leasing, Level III with additional grocery parking, Level IV with multi-family reconnecting to the main building, Level V and VI multifamily and condominiums on Spring and toward downtown and the waterfront, with Level VII being the upper-level parking garage. He explained the majority of the buildings were four stories, with six stories along Spring Street and the condominium building at seven stories. He demonstrated the sightline for pedestrians shielding the view of the parking

garage as well as the required mechanical units on the top floor. He also provided illustrations for the balcony residential units as well as colors and materials for the exterior and impact-resistant windows in various sizes.

Brad Alexander presented the landscape plans and stated they were increasing the amount of public parking and reducing the amount of impervious surface onsite by approximately 25% which would improve the stormwater quality; they proposed 76 trees onsite which added 42 to the downtown tree canopy. They planned tree island bump-outs into the roads creating parallel parking spaces and narrowing the road width resulting in a safer pedestrian experience. The lighting would be in accordance with the standards of the city used on Palafox Street; landscape would involve drought-tolerant and wet-tolerant plant material known to be successful in Pensacola. They were increasing the pervious surface in the right-of-way by 400%. He also advised initial meetings with the City had been supportive and encouraging, and they appreciated the Board's consideration.

Historic Preservation Planner Harding presented the timeline for Board consideration beginning in December 2017 requesting to demolish all buildings on the site; the USO building and others were approved for that demolition, with the 1940s school building not approved. In November 2018, the motion to demolish the school building resulted in a "no action motion" with a tied vote of 3 to 3. A special meeting was conducted in December 2018 to consider the demolition of the school building, which was approved 6 to 1. In June 2019, conceptual plans were submitted to replace buildings with the school building as part of the development – they were researching available avenues to save the building. Conceptual plans were approved. In July 2020, the developers requested the Board to waive the requirements to submit final plans prior to receiving a demolition permit for the remaining building at 200 BLK W. Garden; the request was denied on grounds the applicants did not show strange or unusual circumstances or that there was a clear public safety issue that would warrant the Board's acceptance of the presentation as an acceptable set of plans for the project. He explained the demolition had been approved, and the Board was now considering what was being constructed, and these were conceptual plans which allowed Board input to the applicant. He pointed out a lot of the early comments had been addressed or incorporated into the current plans.

Mr. Buzzell confirmed these were new plans with an entirely new outlook on this project. Staff commended the applicants for considering the school building. Mr. Buzzell explained they had done extensive research into incorporating the school building in the overall project but could not come close to making it a feasible rehab incorporation or a standalone rehabilitation into a feasible design which would benefit the city. Chairperson Salter advised when the demolition approval of the school building was granted, it was granted based on circumstances that had been provided for a development of this type. So, the development and usage of the property and density remain very much similar to what was the basis for the arguments of allowing the demolition of that; it was important to note that it was basically the same circumstances.

Board Member Spencer stated with a project of this scope, he did not want a level of detail that would require the Board to remain after hours but wanted enough direction to the applicant so that subsequent to this meeting they could continue to move forward. However, he referred to Southtowne where certain things were implied and was frustrated with some of the things that happened in that process. Staff advised there was a Code provision which addressed that the Board was not able to address plans without giving recommendations for changes necessary before plans could be reconsidered. Whether approved or denied, the Board was tasked to provide guidance which should be incorporated into the final renditions.

Advisor Pristera agreed with the report submitted about the school building. He was happy to see they had made a few changes to the design which made the project stronger. He indicated the applicants were open to suggestions, and it looked to be a better project, and some of his

suggestions had already been incorporated.

Board Member Mead felt the project was well done and spoke to the more modernistic approach in the downtown governmental center. With regard to the overall massing, he felt there was too much variation/movement on the upper elements to speak to the site as an integrative whole if that was the intent. He liked better the language of the continuity below and would like to see that continue with appropriate variation that's less than what they had above; he felt the tower elements worked, was not sure of the cornices, and the recessed porch elements with the framing on Spring Street also worked as an element; the others were beginning to get too complicated. He explained this was a very prominent corner lot, and he felt some of the elements were fighting each other and would lose their significance. He also pointed out the saved historical elements were not coming into the structure in any way which basically left them to be complete folly on the streetscape and not relating in any way to anything around them; he felt it was a missed opportunity to pull some elements out of them and implement them into the structure. Given the overall concept, the applicants saw no reason why they wouldn't be able to incorporate some of those suggestions. They did have arches in the earlier schemes, and they indicated they would revisit that element. Board Member Mead also thought the streetscape concept worked very well.

Board Member Spencer encouraged them to use the limestone veneer as the base as an elegant urban material solution. He suggested they not try to be too whimsical but to be forthright and confident in their design solutions. Regarding storefront canvass awnings, they worked well in providing shade and shelter as intended, however, the drawings showed one of Southtowne's biggest flaws; the awnings were up so high, they wouldn't function as intended and would not provide the pedestrian experience they wanted.

Chairperson Salter stated the corner was bounded on two sides by the large public thoroughfares and a very visible corner. Their mass was broken up in sections with a tower on the corner, with a tower further west separated by a small building. He wondered if on this corner the mass could be expanded to make that corner a single solid type building since Pensacola had a large amount of brick corner buildings; maybe the towers could be joined together and make that corner element read more as one mass. He felt the project was going to be great and looked forward to what was to come next.

Board Member Yee thought the project was going in the right direction and agreed that the corner volume should be distinct from the rest of the structure; he felt having the modern anchor on the southeast corner was great and having the northeast corner more monolithic and distinct from the rest of the project was in the right direction. Maybe some other masonry material might be used at the base to give the impression of another distinct building which may have evolved over time. He also agreed that the awnings should be lowered. He felt this was a great project and hoped the applicants were successful in the development.

Board Member Ramos agreed that there were parts of Southtowne that did work, especially the more residential townhouse areas, and he was looking forward to the landscaping on the residential portions of this project.

Board Member Mead addressed the sightlines with having taller buildings in the area and encouraged the applicants to look at how those sightlines would appear. Board Member Spencer indicated that a properly anchored Florida certified equipment screen on a roof would be an expensive element and needed to be budgeted in the beginning. Staff stated since the Southtowne project, other large projects had been held to the requirements of the Code which did require mechanical equipment to be screened especially on rooftops.

**Board Member Spencer then made a motion to approve the project at 200 BLK W. Garden as presented for conceptual review. Board Member Mead amended the motion to be consistent with the comments from the Board on various elements. It was accepted, and it was seconded by Board Member Mead. The motion then carried 6 to 0.**



**ADJOURNMENT** – With no further business, the meeting adjourned at 4:45 p.m.

Respectfully Submitted,

 8.31.2021

Historic Preservation Planner Harding  
Secretary to the Board

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Spencer, Brian kenneth		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Board	
MAILING ADDRESS 260 S. Tarragona Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pensacola	COUNTY Escambia	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 8/19/2019		NAME OF POLITICAL SUBDIVISION: na	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Brian Spencer, hereby disclose that on August 19, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Architectural Review Board review item for 435 E. Government Street.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8.19.21  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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LAST NAME—FIRST NAME—MIDDLE NAME Spencer, Brian kenneth		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Board	
MAILING ADDRESS 260 S. Tarragona Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pensacola	COUNTY Escambia	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 8/19/2019		NAME OF POLITICAL SUBDIVISION: na	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Brian Spencer, hereby disclose that on August 19, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Architectural Review Board review item for 36 E. Government Street conceptual design review.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Spencer, Brian kenneth		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Board	
MAILING ADDRESS 260 S. Tarragona Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pensacola	COUNTY Escambia	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 8/19/2019		NAME OF POLITICAL SUBDIVISION: na	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

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\* \* \* \* \*

### APPOINTED OFFICERS:

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## APPOINTED OFFICERS (continued)

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- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Architectural Review Board review item for 36 E. Garden Street demolition review.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/19/21  
Date Filed

[Signature]  
Signature

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