



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00389

Architectural Review Board

5/20/2021

TO: Architectural Review Board Members

FROM: Gregg Harding, RPA, Historic Preservation Planner

DATE: 5/12/2021

SUBJECT:

April 15, 2021, Architectural Review Board Meeting Minutes



MINUTES OF THE ARCHITECTURAL REVIEW BOARD

April 15, 2021

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

MEMBERS ABSENT: Board Member Fogarty

STAFF PRESENT: Historic Preservation Planner Harding, Planner Hargett, Help Desk Technician Russo

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

OTHERS PRESENT: Mr. and Mrs. Norberto Prieto (virtual), Helen Counsell, Vinny Matassa, Marcie Whitaker, Carol Price, Warner W, Frank Daughtry, J.J. Zielinski, Kevin Stephens

CALL TO ORDER / QUORUM PRESENT

Chairperson Salter called the meeting to order at 2:05 p.m.

APPROVAL OF MINUTES

Board Member Mead made a motion to approve the March 18, 2021 minutes, seconded by Board Member Spencer, and it carried unanimously.

OPEN FORUM - None

NEW BUSINESS

Item 1

536 E. Government St

PHD

Noncontributing Structure

HC-1 / Wood Cottages

Action taken: Approved.

Norberto Prieto is requesting approval to replace siding and windows on the front side of a noncontributing townhome. The proposed project would involve replacing the wood siding with fiber cement siding and replacing the wood windows with wood-clad windows of a similar profile and design. A similar request to replace the siding and windows on the rear of the home was approved by the Board in July 2012.

Mr. Prieto presented to the Board and stated the color scheme was Benjamin Moore. It was confirmed that the siding on the front would be Custom Colonial Smooth ship lap siding. Staff stated the installation in the rear was wood grain Hardie since in 2012, there was no description of the type of Hardie which should be used. Typically, in historic districts the smooth Hardie is

preferred since the wood grain gives a faux wood grain appearance which is not actually there in the natural wood product, however, the Board could deviate from the materials. Board Member Villegas asked if the applicant was intending to replace all of the front with Hardie or just the damaged areas and maintain the current color on the structure; it was confirmed he was replacing the entire façade from wood to Hardie and repainting in Hardwood Putty and Bruton White for the trim (Benjamin Moore selection).

With no comments, Board Member Ramos made a motion to approve. Chairperson Salter noted the applicant was intending to maintain the existing profile of the siding which was different from the other elevations, and it added to the differentiations along with the similar color selection to maintain the identity. **The motion was seconded by Board Member Villegas, and it carried unanimously.**

Item 2
Contributing Structure
Modifications

1125 N. Baylen Street

NHPD
PR-1AAA

Action taken: Approved with Abbreviated Review on Color.

Roy and Marcie Whitaker are seeking approval to install storm windows over all original windows at a contributing structure. The proposed aluminum storm protectors will be the same color as the existing and are intended to protect the original wood windows.

Ms. Whitaker presented to the Board and stated they were installing 39 storm windows to protect the existing windows; she indicated 90% of the windows in the home were original. She pointed out homes in the surrounding area had similar storm windows. Chairperson Salter stated North Hill had no objections to the request but wanted the color to be verified; Ms. Whitaker explained they wanted to match the existing color on the sashes – dark green.

Board Member Mead made a motion to approve with the condition that an actual color sample be provided for comparison to the original house. It was seconded by Board Member Villegas and carried unanimously.

Item 3
New Construction

714 E. La Rua Street

OEHPD
OEHC-2

Action taken: Approved with Abbreviated Review on Change Option.

Frank Daughtry is requesting final design approval for a new residential duplex. This project was approved by the Board in July 2019 but denied in November 2020 after design changes. As drawn, the proposed structure is located within the buildable area of the lot and it complies with the current Land Development and Building Codes. It was noted the only changes involved the design of the structure itself.

Mr. Daughtry presented to the Board and stated they had tried to take the building back to the approved 2019 scheme. One of the biggest changes was the stair and the roof on the south side. They pushed the roof back to the surface of the building and added a small gable to the porch. The switchback stair was replaced by a wraparound porch which leads to the stairway and actually resembles the old building. Chairperson Salter noted Old East Hill comments stating the plan had no finished floor elevation; it was determined the structure would be close to 24 " above grade and should resemble a pier house when finished and match the original. Regarding the French doors, Mr. Daughtry explained they were a better safety solution than windows. Chairperson Salter appreciated the main elevation on La Rua Street giving a more traditional feel to the secondary structure and appreciated the extended rooflines. Board Member Spencer stated the project took advantage of rear yard space. Board Member Villegas explained this presentation was better than the previous ones, and they made the effort to balance between the contributing structure and the new build. Her concern involved the French doors on the La Rua side which did not allow for the

shutter treatment. Mr. Daughtry offered to use single door 2 over 2 instead of the double French doors which would enable the use of shutters and give a more vertical feel to the structure.

Board Member Spencer was agreeable with the submittal as well as the suggested modification and made a motion to approve as submitted with the modification as an alternate. Chairperson Salter offered that if the applicant chose to make the change, the change return in an abbreviated review; the amendment was accepted. The motion was seconded by Board Member Yee and carried unanimously.

Item 4

331 E. Intendencia St

PHD

Conceptual Review-ADU

HR-2

Action taken: Conceptually Approved with Comments.

Helen Counsell is requesting conceptual approval for a one-story accessory residential unit (ADU) behind a contributing structure. The applicant has provided a site plan, conceptual floor plans, conceptual elevations, and site photographs. As drawn, the structure complies with general requirements for ADUs.

Ms. Counsell presented to the Board and explained they wanted to replicate the historical details on a smaller scale on the ADU. They wanted the roof to carry on a straight line over the porch. Board Member Spencer questioned the 6'8" elevation; the applicant clarified they were requesting a 9' ceiling height; it was noted the depicted drawings were deceiving. Board Member Yee also stated the plate height of 9' was important and having 8' openings would at least be similar to the original. Also, possibly reducing the overhangs on the long side would fit better with the original structure. Board Member Ramos stated the Board would like to see drawings illustrating how the ADU relates to the existing structure and give more details on the plate heights, etc., to make sure the new structure would not take away from the original. Board Member Yee thought the floor height of the ADU could be lower than 3' which would allow for the removal of the porch railing. Board Member Villegas explained with more than one vehicle on the property and access from two separate structures, detailed parking information should be provided to illustrate the proposal. Board Member Spencer suggested taking photos of the existing structure and anything being replicated be provided in the submittal.

Board Member Spencer made a motion for conceptual approval with comments from the Board, seconded by Board Member Mead, and it carried unanimously.

Item 5

120 S. Tarragona Street

SSD

New Construction

Action taken: Conceptually Approved with Comments.

J.J. Zielinski is requesting conceptual review for the construction at a site-specific development consisting of six attached three-story condominiums. The site-specific development was approved by City Council in 1989 and again in 2006 after major revisions allowed the site to change to a residential use. ARB also approved conceptual plans for this site in 2006 at which time the existing building was demolished.

Although this development was changed from HC-1 to SSD, the design and materials are subject to ARB review and approval based on past records.

Mr. Zielinski presented to the Board and stated the design was intended to bring together some of the surrounding elements such as the YMCA, townhomes to the north, and Southtowne across the street. The buildings would be constructed with ICF with brick veneer. Board Member Mead indicated the applicant had a fairly robust set of design elements even on the rear, but there was nothing to carry them around the corner; both end facades needed some treatment since they were too blank and featureless, but he was not sure what form that would take since there was not enough information submitted. Mr. Zielinski agreed the two end units had more opportunities for

windows, etc., and appreciated the comments. Board Member Mead suggested having more projections on the south side. Board Member Spencer added his building was across the street, and he was the owner of the property sharing the east property line. He advised it was refreshing to see the proportions and the lattice proposal, and it would be a great addition to Tarragona. He invited Mr. Zielinski to stand on the corner to realize the great opportunity it presented. The subordinate nature of the garage doors with lower ceilings was a positive in this case and felt more industrial. He also appreciated the way natural light was dropped down into the interior. Board Member Villegas was concerned with the colors on mass and if the entire ground floor would be in brick. It was determined the color palate was cohesive with Southtowne and other adjacent structures. Mr. Zielinski stated the other townhomes on Tarragona were set back a little more, and his intention was to bring the structures up and eliminate parking on the sidewalk. Board Member Mead explained this development was coherent enough on its own and did not need to strictly complement other structures. Board Member Yee advised it was nice to take advantage of the SSD instead of replicating a brick warehouse; he liked the massing and encouraged revisiting the south elevation to take advantage of the corner. He pointed out there might be a sizable setback in the rear to the east and wanted to know if loading the garages from the back had been a consideration. Having some pedestrian friendly elevation along Tarragona would be beneficial. Mr. Zielinski explained they had considered the garages on the rear, but the fire stair for the roof terrace was essential, and they wanted owners to have some greenspace. Vehicle turning radius was also a consideration, but they decided on the front garages. It was also determined that CSX no longer owned the right-of-way; civil engineering has precedence over the new owner on any restrictions in that area. Chairperson Salter agreed that location had a mix of everything which opened the door for the proposed development. He also appreciated the project being close to the street but without a wall. He pointed out that staying true to the materials would be important in helping this building to fit in, and it was a very nice project. Board Member Ramos wanted to see how the brick was treated on the rear.

Board Member Mead made a motion for conceptual approval along the lines of the comments expressed by the Board, seconded by Board Member Spencer, and it carried unanimously.

(The Board took a 5-minute recess.)

Item 6

260 S. Tarragona Street

**PHD / PHBD
HC-1**

Contributing Structure

Action taken: Approved.

Brian Spencer is seeking approval to install a new window at a contributing structure. The new window will be located on the north side of the building facing the parking lot and will match existing windows.

Mr. Spencer presented to the Board and stated the window would be 12' in width and near the rear of the building. The window would be the Marvin modern direct glaze and would match the windows in color on that façade. Chairperson Salter explained the end result would be like infilling the existing opening with something similar with a thin frame and trimmed out opening. Mr. Spencer stated that same detail would be appearing on the inside.

Board Member Mead made a motion to approve, seconded by Board Member Ramos, and it carried unanimously. Board Member Spencer abstained and did not participate in the discussion as a board member.

Item 7

307 S. Reus Street

GCD / C-2

Demolition of Noncontributing Structure

Action taken: Approved with Pfeiffer Logo Preservation

Brian Spencer is seeking approval to demolish a noncontributing warehouse. Since the structure is noncontributing, the applicant is not required to seek approval of replacement plans prior to receiving a demolition permit so long as the Board does not find any historical, cultural, architectural, or archaeological significance. If no significance is found, a demolition permit may be issued per Sec. 12-3-10(1)j.

Mr. Spencer presented to the Board to build a multi-family project. He explained there was an easement to the south which would provide for the preservation of a usable linear space without any intention for the future building on the ground level. He advised they might return with the proposal for a cantilevered balcony on the south side. He also explained the existing building was in a flood zone. Board Member Mead did not feel the structure had any redeeming cultural, historical, or architectural significance except for the Pfeiffer logo on the Reus facing wall. The family served the printing needs of the city, the courts, and the county. He felt the preservation of the logo in some manner would be appropriate. Mr. Spencer agreed this was a great idea for a landmark opportunity. Chairperson Salter did not see a problem with the demolition. Board Member Villegas liked setting the precedent of recognizing buildings and families which may have been associated with them. Mr. Spencer stated his client had already presented images which are somewhat industrial and fit in with the GCD and the neighboring Union House.

Board Member Mead made a motion to approve with the condition that the Pfeiffer logo on the Reus façade be preserved in its current configuration in some suitable mounting and either, in order of preference, be associated with the development of the site, and if not, it be offered to the City, County, Court of Administration or UWF Historic Trust, and failing all of that, it be offered to representatives of the Pfeiffer family. Advisor Pristera agreed with the Board and stated the Historic Trust could take the sign; Mr. Spencer advised they could keep it and have it prominently displayed. The motion was seconded by Board Member Villegas and carried unanimously. Board Member Spencer abstained and did not participate in the discussion as a board member.

Item 8

617 Crown Cove

SSD

Final Review of New Construction

Action taken: **Approved.**

Brian Spencer is requesting *final* approval for materials at a new three-story single-family residence. This project received conceptual approval in January 2021. The project was brought back to the Board in March 2021 for final approval where it was denied based on the color and materials submitted.

Mr. Spencer presented to the Board and stated the clients had evaluated and listened to the Board's comments. They incorporated the modifications suggested in color and materials. He advised the undersides of the porches and balconies as well as the poolside terrace area were now in a deeper color plank instead of white; the glass handrails now had the gray color to match the window frames. They had also added modern gas light fixtures with a rigid stem to withstand storms. Board members examined the stucco finish colors in real light. The client proposed to maintain the tapered column, and the extensions for the hurricane shutter housings were being allowed. Mr. Stephens explained the proposed gas lanterns would withstand the wind, and he did not have a preference on the white color on the stucco; Board Members Mead and Villegas suggested the Alabaster, Greek Villa, or the Iconic White color. Board Member Yee verified the doors would be Dove Gray. Board Member Villegas asked about the fencing on the side next to the brick wall, and Mr. Spencer stated they would return to the Board for the fencing. Staff advised fencing would be required since there was a pool, but the proposal could return as an abbreviated review. **Board Member Mead stated the changes would make a significant difference in the impact of the structure; the incorporation of the variant materials and color palate would also help. He made a motion to approve the colors and materials submitted with the understanding that the massing and structural design elements were in prior depictions and not in colors and materials shown today.** Chairperson Salter appreciated the efforts the client and architect made with suggestions by the Board, but his understanding of the ordinances governing the Board's decisions would not allow him to support this item. He did not believe the structure was in keeping with the theme; he indicated it was a nice residence but felt he needed to express why he could not support it. **Board Member Yee seconded the motion.** Board Member Villegas also appreciated the efforts which were made but was aware this was an SSD and probably would not feel as strong if it were not on the corner. She believed her job was to consider the surrounding buildings, and she could not support approval. Board Member Ramos explained in the SSD, you get something that is unique and the opportunity to protect something 50 years from now. He felt the new materials and colors had enhanced the project and looked forward to seeing it realized. **The vote then carried 3 to 2 with Board Members Salter and Villegas dissenting. Board Member Spencer abstained and did not participate in the discussion as a board member.**

Item 9 Discussion of UWF Historic Trust Recommendation to Adopt Resolution on Alternative Building Materials

UWF Historic Trust has recommended ARB consider a resolution concerning the use of alternative building materials. This resolution / policy would supersede all previous policies concerning the use of vinyl, aluminum, fiber cement, or other artificial materials. Per ARB's Rules and Procedures adopted in 2006, the Board may at its discretion adopt resolutions deemed beneficial in addressing its intentions or processes. This item is for discussion only and will be brought back to the Board for a vote in May.

Advisor Pristera presented to the Board and stated there would probably be more and more requests to deal with non-traditional materials, and he felt it was time for the Board to consider this issue. He explained the alternate materials were getting better, and traditional materials

were not meeting the same standards. Preserving the structures was the goal and as long as the integrity was kept, it was allowing the preservation of these buildings. He asked that the Board consider his recommendations and create a policy from them.

Board Member Mead advised the recommendations had addressed the discussions which had happened over the years in concert with UWF's practical contributions of the management issues which come up with these types of properties. He felt it would be helpful to have a general statement of interpretive principles which are behind this policy as follows: 1) When you are dealing with a historic structure, the historic fabric is important to maintain if it has been preserved and to keep it in the same materials because the preservation of that fabric is part of the historic preservation you are trying to undertake. 2) From an architectural standpoint, something which is indistinguishable in visual or material form but may be superior in function or durability is preferable architectural material and is indistinguishable from a visual standpoint; There is no reason from an architectural standpoint not to use that if it cannot be distinguished. Regarding procedure, this Board has been challenged before on its operation regarding policies it has determined on a precedential basis and carried forward in that manner. From the standpoint of giving this more durability against such challenges, he would suggest the Board move with a resolution to go not only for the Board's approval but for ratification by the City Council so it would have the weight of interpretation of the City Council behind it as the authoritative interpretation of the Code once it is adopted and ratified by them.

Board Member Spencer asked about the timing for this since it was a discussion item at this point. Staff advised it could return to the Board in May as a final revision of the policy; the Board would then either vote on its implementation or vote to make it a request for review by City Council. He explained staff would need to consult Legal on the process required to send the item to Council. Board Member Mead explained any decision by this Board is appealed to Council; once Council has decided what its interpretive policy is on the Board's decisions, it will give weight not only on what the Board does in conformance to that policy, but it will also inform the Council as to what its baseline policy is from which then it is incumbent upon any appellant to say why is this situation different and why it should be decided differently. It would help everyone to have the policy in that form. Right now, he did not feel the Board had the foundation they thought it had in earlier times. Historic Preservation Planner Harding agreed since it is a policy and not an amendment to an ordinance, he did not know if Council would actually vote on it or it would be brought to them to get their stamp of approval. Board Member Mead suggested it be adopted by the City as a Resolution; he was comfortable in drafting language for submission to staff and the City Attorney for review.

Staff advised this item had the potential to be very impactful to the Historic District and wanted to entertain any edits or revisions if that was the direction of the Board. Board Member Mead offered to suggest language to staff before the May meeting. Councilperson Salter supported the idea of updating the policy in some form. Board Member Villegas indicated the Board could not force Council to adopt the policy, but they would have at their fingertips a deeper understanding of what things entail and be in a better place to vote on an item submitted to them. Board Member Spencer stated the document seemed to primarily address the materials that would be substituted for siding and railings and felt overall it was a positive step. He wondered how to marry some companion piece that ensures that the substitution of materials outlasts the Board membership – items which can get ugly fast using other materials. He wanted to make sure the Board did not relax any requirements on stone, brick, etc. Board Member Mead suggested members give a bullet point or examples on some experiences in the past which resulted from a material substitution. Board Member Yee asked if pictures of good things could be illustrated as examples. Chairperson Salter advised most of the comments surrounded Item 3 on the use of composite materials and losing the true historic character. Board Member Mead

suggested taking a material-by-material approach – stucco vs. brick. Board Member Ramos explained with every new invention, there were new methods of installation; this might be something to be entered in the policy to know how the substitute materials are installed.

Board Member Spencer asked how the Board would be able to follow up on compliance and execution in the field. Staff advised it had gotten better since the permitting process had gone electronic; when the Board approves a project and it gets submitted for permitting, it actually gets reviewed by Planning staff a second time to make sure everything is in compliance with the Board's approval; if it is not, it returns as an abbreviated review or possibly a full board review. After the project is completed and before a CO is issued, staff performs a field inspection for verification. Board Member Spencer advised when, for example, Hardie board is not specified correctly, it results in a very bad replication. He explained architects know the manufacturers, and there is longevity in their products, but they will not retool their factories.

Staff submitted an example of Chicago's ARB illustrating material thickness as well as installation. Advisor Pristera stated he wanted this to get in front of the Board for discussion. He was seeing that if someone had a house, the replacement materials should match what they were replacing in thickness, profiles, installation, etc. Some of these materials have been allowed on new construction, but he felt it was the burden of the applicant to prove to the Board the product they were using and how it was to be installed – case-by-case per applicant. The Board has requested samples of windows, roofs and decking to match as close as possible, and the motions of the Board should be specific and in detail for what it has approved. **It was determined Advisor Pristera would return in May with a discussion document incorporating the Board's comments.**

Item 10 Discussion on Site Specific Developments Located within ARB Review Districts

This item is meant to give the Board opportunity to discuss Site Specific Zoning Districts (or Site-Specific Developments - SSDs) located within Architectural Review Board Districts. There are currently three such zoning districts located within the Pensacola Historic District, one within and Pensacola Historic District and Palafox Historic Business District, and one in the Old East Hill Preservation District. There is no Code section giving the Board guidelines on how to govern the SSDs; information includes memos from former staff or a line on a plat survey which indicates any future development or projects must be approved by ARB. Staff would like the Board to begin considering ways we might be able to have more guidance or more regulations on the SSDs or regulate them a little less since it has not been a clear path. Historic Preservation Planner Harding indicated the Board did not need to treat each SSD the same; the discussion also pertained to maintenance of certain buildings with ARB review (roof or window replacement).

Board Member Mead suggested you could take a prescriptive view which is writing a regulation that states it shall be "x, y, z," but there are limits to how prescriptive you can be and how to apply it. Another approach would be the case approach; we know something because it was like the last case dealt with which has an advantage in terms of making policy; if you can point to an example, you can look at those examples as a template or pattern, and it is defensible from the City's position. Prescriptive view carries other possibilities but also other risks; if it does not fall specifically within the bounds of the prescription, it falls outside of it. The case approach has a little more flexibility. The older and more durable approach would be the case approach; it would also be a more intelligible and suitable approach. However, does the SSD have a standard to apply would be the real question.

Staff advised it was usually written in the intent of the SSD or the plat map. Regarding Crown Cove, there is a memo which states all projects need to be reviewed and approved by the ARB.

The intendent did not have anything which specifically stated ARB has jurisdiction over this, however, ARB approval has always been required without the Code mandating it. Regarding the Pitt Slip, Board Member Mead stated it came before the ARB, but they had nothing to compare. Staff advised ARB does not have jurisdiction in the SSD in Old East Hill which is now CRA housing. Board Member Mead stated there is a view that SSDs are per se or spot zoning. Board Member Spencer explained when on Council, he wanted some oversight on what happened at the port with it being so specific across Bayfront.

Chairperson Salter stated some of the SSDs have very loose guidelines, and the ARB does not have the authority to even reference those because they are not listed as sections it can use. He hoped to gain some direction which could be incorporated in the future such as a procedure of what is reviewable, and if any of the SSDs have language that can be incorporated into a policy to be used. All the Board has now is that SSDs these are surrounded by historic districts which are reviewed by the ARB; how they are to be reviewed needs more guidance. **Staff advised Legal could be consulted to bring more information to the Board for consideration.**

Board Member Mead addressed the wearing of masks and did not know if it was defensible by the City. Board Member Villegas advised she appreciated the mandate because of her pregnancy. Board Member Mead stated his concern was with telling citizens they must wear masks in the public building. Staff indicated those decisions came from the 7th floor and were supported by Council.

ADJOURNMENT – With no further business, the meeting adjourned at 5:32 p.m.

Respectfully Submitted,

Gregg
Harding

Digitally signed by Gregg Harding
DN: cn=Gregg Harding, o, ou,
email=gharding@cityofpensacola.
com, c=US
Date: 2021.05.04 12:14:49 -05'00'

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 205 E. Intendencia 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 4/15/2021		NAME OF POLITICAL SUBDIVISION:	
		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 K. Spencer, hereby disclose that on April 15, 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:

- 260 S. Tarragona Street - request to install a window in a contributing structure;
- 307 S. Reus Street - request to demolish a noncontributing warehouse;
- 617 Crown Cove - final review request for the design of a single-family residence.

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.