

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE TOWN COUNCIL WORKSHOP HELD ON MARCH 10, 2005, REGARDING LANDMARKS PRESERVATION

I. CALL TO ORDER AND ROLL CALL

President William Brooks called the Town Council Workshop meeting to order at 1:30 p.m., on Thursday, March 10, 2005, in the Town Council Chambers. On roll call the following elected officials were present: Mayor Jack McDonald, President William Brooks, President Norman Goldblum, Councilman Denis Coleman, and Councilman Richard Kleid. Councilman Allen Wyett was absent from the meeting. Others present for the meeting were: Town Manager Peter Elwell, Assistant to the Town Manager Sarah Hannah, Town Attorney John Randolph, Director of Planning, Zoning & Building Robert Moore, Assistant Director of Planning, Zoning & Building Veronica Close, Planning Administrator Tim Frank, Historic Preservation Consultant Jane Day, and Deputy Town Clerk Susan Eichhorn.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Susan Eichhorn gave the Invocation. President Brooks led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The Agenda was approved through motion of President Pro-Tem Goldblum, seconded by Councilman Kleid, carrying unanimously on roll call.

IV. INTRODUCTION OF FACILITATOR KATHLEEN KAUFFMAN FROM THE FLORIDA TRUST FOR HISTORIC PRESERVATION, INC.

President Brooks introduced Kathleen Kauffman, Executive Director of Florida Trust For

Town Council Workshop/Landmarks Preservation

3-10-05

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Historic Preservation, Inc.

V. FACILITATED DISCUSSION OF LANDMARKS PRESERVATION IN PALM BEACH

Ms. Kathleen Kauffman thanked the Mayor and Town Council for inviting her as the facilitator of today's meeting. She stated that the Town of Palm Beach should be an example for other communities.

Mayor McDonald commented that he would like to see every meritorious property in Town that could be landmarked designated as a landmark, and also determine if the recommendations made by the Four Winds Panel were going to be good enough to prevent the Four Winds situation from happening again.

Councilman Kleid commented that, in keeping with the report of the Four Winds Panel, it would be useful to work on establishing better procedures to bring landmarking forward; to answer some policy decisions, such as requiring owners to consent to landmarking; and to address the qualifications and training of people on the Landmarks Preservation Commission.

Councilman Coleman commented that he was interested in discussing details of preservation of buildings according to interior/exterior and what material could be preserved and what could not.

Town Manager Elwell suggested that community values be considered, such as the importance of the materials versus the importance of simply preserving the appearance of landmarked buildings; voluntary versus involuntary landmarking – the big picture level, with the understanding that many of the details as to how it would affect the ordinance or the actual procedures in implementation would flow out of this meeting, rather than be discussed in detail at this meeting.

Ms. Kauffman replied that she had read the 59 recommendation of the Four Winds Panel,

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and that there were certain themes that could be discussed during this meeting. She noted that the Town of Palm Beach was not alone with these problems, and that it was a tremendous first step to examine the landmark ordinance and enforcement procedures. She noted that she had provided information about preservation law in Florida. She also noted that the power of preserving historic buildings would come from the local government; that was why a strong preservation ordinance was necessary. She explained that most effective ordinances do not have owner consent in the ordinance; most effective preservation cities are allowed to designate properties without owner consent.

Councilman Coleman interjected that most laws are not directed at one particular person, and that there was a difference between what the law is, and the landmarking of a particular property.

Director of Planning, Zoning & Building Robert Moore noted that the Town was a certified local government, and there were certain criteria for certified local governmentd.

Ms. Kauffman suggested that the language in the ordinance reflect that criteria required by the local certified local government status.

Jane Day, Historic Preservation Consultant, addressed the Town Council, stating that she had compiled a chronological list of the preservation highlights in the Town of Palm Beach. She stated that she believed the Town ordinance was very strong, and that resumes for newly appointed commissioners, changes to the ordinance, and designations are reviewed each year. She stated that it was important for the Town to keep its status as a certified local government, because that was what made state and federal grants available. She indicated that she was hearing from the commissioners that they wanted to get into the nuts and bolts of policy, and how the program can be made even better; there were also some challenges that would require looking at the big picture, i.e., advocacy groups, staff communication, education of commissioners, etc.

Councilman Coleman commented that he wanted to know a response to make when an owner does not want to landmark property. He pointed out that the way to grow the constituency was to empower the Town Council with the rationale as to how to refute the discomfort and uncertainty of citizens who were uneasy about the landmarking of their homes. He clarified that he wanted a rationale for the law – why it existed, what was being preserved, what were the limitations, etc.

Mayor McDonald suggested that perhaps further communication was necessary regarding the increase in value of landmarked homes, and that the Town Council had usually tried to approve

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almost any rational improvement to a landmarked property.

Town Manager Elwell offered that he had expected, according to the recommendations of Four Winds Panel Chair Bruce McAllister, that the meeting today would be more of a community workshop, and that the facilitator would facilitate the conversation among the interested parties in the Town of Palm Beach. He noted that the discussion today was taking place more as a dialogue between the Council and Ms. Kauffman, which was fine if it was intentional, or perhaps the Council desired Ms. Kauffman to move the dialogue towards the manner that the Chair of the Four Winds Panel had recommended.

Mr. Bill Elias commented that his house had been approved for landmarking earlier this week, and that he was pro-preservation, and suggested that the Landmarks Preservation Commission be given clear direction, so that residents have confidence in making purchases and in making ongoing improvements. He noted that variances were critical to landmarked homes.

Ms. Susan Curry commented that the private property issue must also be addressed.

Ms. Kauffman responded that there were many historic preservation myths, and that people needed intelligent answers.

Mayor McDonald clarified that there were generally three objections from the public regarding landmarking – whether a landmarked property increases in value; what can be done with the property, in terms of renovation, once it is landmarked; the value of the property, with the building remaining, when it is sold.

Mrs. Jane Volk, resident of the Town of Palm Beach for 58 years, the wife of John Volk, one of the early architects in the Town, commented that no one is ever guaranteed a massive killing when selling property, whether it is landmarked or not. She commented that the public must be educated, and that in the past a landmark event had been held in order to educate the public. She noted that only the facade of the landmarked structures were designated, so the interior could be changed by the owners.

Ms. Kelly Layman commented that another objection may be the perceived onus on the property owner of landmarked property that the government will be looking at their every move on their landmarked property.

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In response to Councilman Kleid, Planner/Projects Coordinator Tim Frank replied that approximately 15-20% of owners objected to landmarking, however, most of that could be mitigated.

Maia Farish, Preservation Foundation, commented that there had been a very extensive study done regarding landmarking throughout Florida and its economic benefits. She also noted that the Preservation Foundation did a walking tour annually; this year it was on Pendleton Avenue.

Ms. Kauffman commented that the objections to landmarking being discussed today were the same objections heard all over the state. She noted that there were many studies that had looked into the issue of appreciation of the value of landmarked properties.

Mr. Frank advised that the landmark pamphlets were replaced several years ago with a landmarks manual, which was now in its third addition. He stated that he was aware of three studies that had been done regarding landmarked house values; two of them had indicated that there was no decrease in value for landmarked homes. The other study, done by the property appraiser's office, had resulted in an increase of value of landmarked homes, of approximately 5%; however, it had been dismissed because it was not believed that 5% was good enough to trigger them to raise a property value just because it was landmarked.

Ms. Day advised that she had been with the program for 12 ½ years, and there had been 74 landmarks during that time; there were a total of 245 landmarked homes in the Town of Palm Beach. She stated that she could compare the value of a landmarked house with a comparable house on the same street that was not landmarked.

Mr. Elias commented that the landmark process preserved the buildings in Town; once the properties were brought back to life their value was enhanced.

Councilman Coleman commented that he was attempting to obtain data, rather than opinion, to refute the objections to landmarking. The negative reactions to landmarking must be addressed.

Mayor McDonald commented that the application of the ordinance was somewhat subjective, and differed with each Council; therefore, it was difficult to put into writing all of the things that would be allowed to be done to landmarked homes. He noted that, generally, the Council had granted most rational, reasonable variances related to landmarked homes.

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Mr. Jack Pym, member of the Landmarks Preservation Commission, suggested that a panel discussion be held with knowledge of the benefits of landmarking. He suggested that forums be held concerning the benefits of the landmarking process, in front of the Civic Association, the Citizens Association, the Real Estate Board and the Palm Beach Daily News.

Mr. Gene Pandula, Chairman of the Landmarks Preservation Commission, stated that the reason for the meeting today was because of an event that precipitated concern in the community about the Landmarks Commission, its processes and its results. While the conversation so far had been valuable and good, it had nothing to do with the overriding issue. He suggested that any consideration or any vote on any of the recommendations put forth today would be totally premature. Members of the Commission and members of the Town staff were at a huge disadvantage when the Four Winds Panel met, in that Commission members could not speak among themselves, or with staff. So many of the recommendations were essentially knee jerk reactions at the time, with individuals coming forward with thoughts and ideas. He urged that the Town Council think in three areas: the history of the program since 1979; a discussion of philosophy/politics; and technical aspects.

Mr. Pandula explained that if Four Winds had been blown down by a hurricane, and rebuilt in accordance with the approved plan, the owners would have been hailed as saviors of the building. He noted that there were trailer loads of original pieces and parts of that building that had been catalogued and saved. In a few months many of the old parts and pieces would be back on the property. He stated that reconstruction was a valid process under certain circumstances.

Ms. Kauffman commented that, in general, reconstruction was not a desired form of historic preservation. She also clarified that the objectives discussed today were: to dispel designation myths, to better educate the public in the community, strengthen the historic preservation ordinance, and to better enforce the historic preservation ordinance. She stated that she wanted to ensure that she was being used effectively today to discuss what was going on in the rest of the State of Florida, to discuss what other cities were doing, and to provide back-up material that tells why historic preservation was allowed.

President Brooks suggested that staff meet with the Landmarks Preservation Commission to discuss the whole issue.

Ms. Kauffman commented that the relationship between the Landmarks Preservation

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Commission and the Town Council was very important, because anything appealed of the Landmarks Commission would come to the Town Council. She explained that the Preservation Foundation of Palm Beach was an invaluable resource, as was the Florida Trust for Historic Preservation, who could hold workshops, help write grants, and provide guidance on other sources of funding for historic preservation.

Mr. Pandula replied that there was nothing wrong with the Town's ordinance, and that education was huge, but that was really pushing a big rock up a steep hill. He considered that it was more important to look at the demographic changes, and that simply passing out some brochures or holding education programs would not work. He noted that he believed the ordinance was weakened, years ago, with the addition of a hardship clause.

Ms. Kauffman responded that, in her opinion, the ordinance could be more powerful if the Department of Interior standards were incorporated.

Mayor McDonald commented that he believed that it was necessary to try to convince people to landmark historical properties; in terms of the ordinance itself, perhaps the hardship clause should be taken out, if it was believed that portion was undesirable.

Mr. Pandula replied that it would be helpful if there was an alternative, should the hardship clause be taken out – if there was a fund to purchase the structure, and maintain it until there was a willing buyer.

Landmarks Preservation Commission secretary, Wendy Victor, commented that the Commission struggles each month over how to work with owners over additions, often requiring a site visit by the members of the Commission. She suggested that there was a severe handicap in that there was a part-time consultant, whose office was in the trunk of her car. When the Landmarks program started, there was a full time staff person with an office at the Town Hall. She noted that she still did not have the agenda for next Wednesday's Landmark Preservation Commission meeting; the Chairman of the Commission would meet with staff on Friday, leaving only Monday and Tuesday for all of the regular members of the Commission to call Jane Day and set up individual appointments for site visits. She suggested that the Commission needed a staff person who could be called on a regular basis, and also to be available for owners coming in to find appropriate information.

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The staff person providing the Landmarks Preservation Commission agenda packet, Cindy Delp, explained that the agenda is prepared one week prior to the meeting, and is mailed on the Wednesday prior to the meeting. The agenda is also placed on the Town website.

Town Manager Elwell commented that there was a lot to be proud of in the historical preservation program in the Town, and yet there were some very difficult questions about how to proceed. He noted that such things as staff involvement, and releasing the agendas sooner, so that members of the Commission can be better prepared, could be addressed. He explained that staff would give additional thought and analysis to the Four Winds Panel suggestions; staff would be involved in reviewing the landmark program and asking what could be done to get even better to move forward, while considering the changes in the community that had occurred.

Ms. Kauffman recommended the inclusion of a staff member, who was very specialized in historic preservation as an employee in the Planning, Zoning & Building Department.

Planning, Zoning & Building Director Robert Moore commented that Mr. Frank was a planner by education and profession, as well as an architect, however, as a staff member he split his time between the Architectural Commission and the Landmarks Preservation Commission, as well as his duties related to the Comprehensive Plan.

Mr. Frank stated that he believed that the State Historic Preservation Office in Tallahassee would most likely recommend Jane Day as one of the best historical consultants in the State of Florida. She is currently employed as a part-time staff member, and that role could be expanded if necessary.

Mr. Moore commented that current policy was that the Town Council had sent the message that no structures would be landmarked without owner consent. If that was going to be changed, and structures would be actively reviewed for addition to the inventory, there would have to be consideration of adding some type of additional assistance.

Ms. Kauffman commented that the Town staff has done a great job, and had been very pleasant and timely in its interaction with her.

Mr. John Mashek, President, Preservation Foundation, commented that the Preservation Foundation stood ready to help the Town, and would work out any specifics under the direction of

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the Town.

President Brooks thanked Mr. Mashek and Ms. Farish for the wonderful work that they were doing with the Preservation Foundation.

President Brooks addressed the issue of condemnation by neglect, and noted that there were several buildings in Town that were of concern in that regard. He suggested that the Landmarks Preservation Commission consider the issue, along with the Preservation Foundation.

Ms. Day suggested that the Preservation Foundation provide financial assistance in regard to condemnation by neglect properties.

Mr. Kenneth Horowitz, owner of a landmarked property in the Town of Palm Beach, addressed the Town Council, stating that landmarked homes should also be looked at as homes that families live in, and the benefits and the negatives of living in a landmarked home should be better understood.

Ms. Day advised that the house that Mr. Horowitz owned was one that did need to be brought up to current standards, and that she had indicated to him that he needs to bring forth a suggestion, as to what he wants to do, to the Landmarks Preservation Commission. She noted that she was currently doing research on his property so that it would be known exactly what pieces of the building were original.

Mr. Horowitz replied that the Town staff had been very responsive to him. He explained that he was trying to make a point of bringing homes up to current standards, and what happens to historic houses if you cannot bring them up to current standards. Real estate taxes continue to go up, however the value of a home may depreciate if you cannot do certain things to it.

Ms. Kauffman summarized that one of the things that needed to be done from here would be to take the 59 recommendations of the Four Winds Panel to ensure that they were compiled and agreed upon by all of the different parties involved, so that there would be a clear picture of the real issues. She also explained that the Florida Trust would be hosting a preservation law workshop in the area, which was an in-depth review of historic preservation law.

Mayor McDonald commented that, in practice, there had been very few Bert Harris Property

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Act cases that had come forward since the act was passed; since there was such a burden of proof on behalf of the home owner, perhaps those involved with the historic preservation issues should consider what is best for the Town, and not be so concerned about the Bert Harris Property Act.

Assistant to the Town Manager Sarah Hannah commented that staff realized that the 59 recommendations of the Four Winds were very overwhelming, and the recommendations had been condensed down to two pages, which had been included in the back-up for this meeting. She requested further clarification as to what was expected on the part of Town staff from this point onward.

President Brooks thanked Ms. Kauffman, Mr. Pandula, the Landmarks Commission Members, the Preservation Foundation, and Town staff for all of their contributions today.

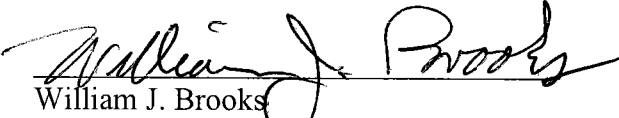
Ms. Kauffman briefly reviewed the documents she had provided in the Florida Trust for Historic Preservation folder that she had provided.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

There being no further business, the Town Council Workshop Regarding Landmarks Preservation was adjourned at 4:10 p.m.


William J. Brooks
Town Council President


Mary A. Pollitt
Town Clerk