



**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, NOVEMBER 17, 2023.**

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting after the fact may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Chair Patterson called the meeting to order at 9:30 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Brittain Damgard, Vice Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	PRESENT
Bridget Moran, Member	PRESENT
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT
Alexander Ives, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Sarah C. Pardue, Design and Preservation Planner
Bradley Falco, Planner II
Kelly Churney, Acting Town Clerk
Janet Murphy, Preservation Consultant
Emily Stillings, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the October 18, 2023, Landmarks Preservation Commission Meeting

A motion was made by Ms. Damgard and was seconded by Ms. Moran to approve the minutes of the October 18, 2023, meeting. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue asked that the landmark designation of 318 Australian Avenue be moved to precede project COA-23-038 with the same address.

A motion was made by Ms. Moran and was seconded by Ms. Fairfax to approve the agenda as amended. The motion was carried unanimously, 7-0.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney swore in all those intending to speak and continued to do so throughout the meeting as necessary.

VII. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

No comments were heard at this time.

VIII. COMMENTS OF THE DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

No comments were heard at this time.

IX. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)

No one indicated a desire to speak.

X. PROJECT REVIEW

A. TIME EXTENSIONS

1. **HSB-23-002 (ZON-23-039) 261 SANFORD AVE (COMBO) – EXTENSION OF TIME** The applicant, Mr. & Mrs. Delaney, has filed an application requesting a (1) year Extension of Time for a previously issued COA for proposed additions and alterations to a two-story Historically Significant Buildings involving demolition of more than 50% of a portion of the building as part of an alteration requiring variances from the Floodplain requirements from Chapter 50, Floods, for the required floor elevation of the existing structure and addition, and variances from setbacks and lot coverage. (Originally Approved At The March 22, 2023 Meeting)

A motion was made by Ms. Moran and was seconded by Ms. Fairfax to approve the time extension as requested. The motion was carried unanimously, 7-0.

B. CERTIFICATES OF APPROPRIATENESS-OLDBUSINESS

None

C. CERTIFICATES OF APPROPRIATENESS-NEWBUSINESS

1. **COA-21-017 720 S OCEAN BLVD.** The applicant, 720 S Ocean Blvd. Trust (Paul A. Krasker, Trustee), has filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness for the final architectural detailing of a beach cabana approved in 2021 for the Landmarked residence.

Ms. Mittner provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Mses. Albarran, Moran, and Mr. Ives. *Clerk's note: Ms. Patterson declared a conflict of interest for the project and left the dais during the discussion.*

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the beach cabana modifications.

Ms. Churney called for public comment. No one indicated a desire to speak.

Mr. Ives asked about the previous approval for the cabana. Mr. Perry indicated that the previously approved plans did not show the details shown in the current plans. Mr. Ives questioned the pilasters as shown.

Ms. Albarran thought the cabana drawings had not been previously approved.

Ms. Moran thought the two-year delay in approvals was too long, especially since different members were sitting on the Commission. She was in favor of the proposed plans.

Ms. Fairfax thought the request was reasonable, that it fit into the area, and that it was improved from the previous plans.

Ms. Metzger asked about the windows on the side lights and the muntins. Mr. Perry stated that the rendered elevations were missing the muntins.

Ms. Herzig-Desnick thought the projects were nice. She also wondered if the massing had changed, to which Mr. Perry indicated that it had not changed. Ms. Herzig-Desnick asked to see the main home photographs in any future presentations.

Mr. Wong thought the detailing on the cabana looked strange, with only two columns rather than four. Mr. Perry responded by indicating the feature was an original Fatio design feature. Ms. Fairfax agreed the detailing was a bit odd.

Ms. Fairfax suggested that the design be approved with a provision that the detailing be returned to the Commission for approval.

Mr. Ives asked about the history of the cabana. Mr. Perry provided the history. Mr. Perry stated he would be happy to return with the details of the design feature.

Mr. Perry showed a historical drawing of a Fatio cabana. Several Commissioners pointed out that the detailing on his cabana needed to be adjusted to match the historical Fatio detailing. A discussion ensued about the details.

A motion was made by Ms. Fairfax and was seconded by Ms. Albarran to approve the project as presented, except for the fascia boards and architraves on all elevations, which shall return to the December 20, 2023, meeting for approval. The motion was carried unanimously, 7-0.

Clerk's note: At this time, the landmark designation of 318 Australian Avenue was heard as per the modification at the approval of the agenda.

2. **COA-23-038 (ZON-23-106) 318 AUSTRALIAN AVE – FLOODPLAIN VARIANCE (COMBO)** The applicant, Combinat, LLC (Rep. Timothy Hanlon), has filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness and a Historic Preservation Tax Abatement for modifications to a residence and guest house currently Under Consideration for Landmark designation, including window, door and roof replacement, the demolition of a rear porch and construction of an enclosed rear addition and pergola, and sitewide landscape and hardscape improvements requiring a variance from the Floodplain requirements of Chapter 50, Floods to construct an addition and to maintain the existing buildings and mechanical equipment at a finished floor elevation below current FEMA requirements, and a variance to exceed allowable lot coverage. Town Council shall review the application as it pertains to the zoning relief/approval.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Mses. Albarran, Metzger, Patterson, and Mr. Ives.

M. Timothy Hanlon, the owner's attorney, provided an overview of the project and outlined the zoning requests. He advocated a positive recommendation to the Town Council.

Ms. Mittner mentioned the project sought a tax abatement for the proposed changes.

Yianni Varnava, Varnava Design Studio, presented the architectural plans proposed for the residence under consideration for landmark designation.

Adam Mills, Environment Design Group, presented the hardscape and landscape plans proposed for the site.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the owner was doing a wonderful job to preserve the character of the residence. She asked that the Commission provide flexibility to the owner to use either fixed or casement windows; she thought either could be appropriate. She supported the requested variances. She also requested that the vents on the rear cottage be retained.

Ms. Fairfax thought the original roof would have been wood shingle, so she suggested a wood shingle material rather than the asphalt proposed. Ms. Sunny indicated that since the current material was asphalt, she thought asphalt or using the original roof material was appropriate.

Ms. Stillings thought the exterior changes were compatible with the Secretary of Interior Standards. She requested confirmation that some of the significant interior features were being retained, to which Mr. Varnava provided confirmation.

Mr. Varnava stated the original photograph of the home had a red, shingle roof, which is what they were proposing.

Ms. Albarran asked about an overhang over a door on the north elevation of the guesthouse. Mr. Varnava confirmed that the door would be centered under the overhang. Ms. Albarran supported the project.

Mr. Ives agreed with Ms. Fairfax's suggestion to use wood shingles for the roofing material. He also appreciated Ms. Stillings's confirmation that the interior features would be restored. While he thought the changes were small, he expressed a bit of concern for the proposed pergola, the alignment of the door to the home on the south elevation, and the water feature.

Ms. Moran thanked the owner for bringing the project forward. She supported the pergola as proposed. She asked that the vent on the rear cottage be retained.

Ms. Damgard thought the project was wonderful and was supportive.

Ms. Fairfax thought a wood-shingled roof would enhance the home. She thought the fountain was leaning in the Mediterranean style and wondered if a different water feature would be more appropriate.

Ms. Albarran provided a different suggestion for a water feature. A discussion ensued about the water feature.

Elizabeth Ailes, the owner, discussed the activity and noise that emanates from across the street. She added that the fountain was needed to minimize the noise.

A motion was made by Ms. Albarran and was seconded by Ms. Damgard to approve the project as presented, with the condition that the vent shall be retained on the rear cottage and that the fountain shall be changed to a design more in keeping with the home, which staff will review for approval. The motion was carried unanimously, 7-0.

A second motion was made by Ms. Albarran and was seconded by Ms. Moran that implementation of the proposed variances will not cause negative architectural impact to the subject, landmarked property. The motion was carried unanimously, 7-0.

A third motion was made by Ms. Albarran and was seconded by Ms. Damgard that the proposed development will not preclude the building's continued designation as a historic building, and the variance is the minimum necessary to preserve the historic character and design of the building. The motion was carried unanimously, 7-0.

3. **COA-23-040 (ZON-23-109) 134 EL VEDADO RD (COMBO)** The applicant, Elizabeth and Jeffrey Leeds, have filed an application requesting Landmarks Preservation Commission review and approval of a Certificate of Appropriateness for additions and alterations to an existing two-story Landmarked residence and accessory structures, including window, door and roof replacement, modifications to opening sizes, demolition of rear porch, construction of an enclosed rear addition, addition of covered rear terrace, covered walkway and second-floor addition to tennis house, and landscape and hardscape modifications. Additionally, requesting construction of front wall with new vehicular driveway gates, including a

variance from the backup/cueing distance requirement. Town Council shall review the application as it pertains to the zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Mses. Metzger, Patterson, and Mr. Ives.

Kevin Asbacher, Asbacher Architecture, presented the architectural plans proposed for the landmark residence.

Mario Nievera, Nievera Williams Design, presented the hardscape and landscape plans proposed for the site.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, appreciated the architect for maintaining the front façade. She spoke regarding changes she has recommended to the west façade. She spoke in support of the window and door material being proposed and spoke in support of the new demolition procedures. She spoke in support of the proposed changes in the back. She recommended that the Commission look closely at the proposed changes to the front gate and the proposed changes to the second-floor roof structure over the porch in the rear.

Ms. Fairfax inquired about the brick bond, to which Mr. Asbacher responded. She spoke regarding the importance of paying attention to the brick bond. She expressed concern over the width and size of the gates. She expressed concern over the flat roof on the larger portion of the home. Discussion ensued on the potential for the roof.

Mr. Griswold expressed appreciation for the landscaping and the opening of the back porch. He expressed concern over the proposed roof and the size of the front gates.

Ms. Metzger agreed that the front gates were too large.

Mr. Ives expressed concern over the size of the gates of this project and expressed concern over gates in general. He spoke regarding the complexity of the project and spoke regarding the application benefiting the home. He expressed appreciation for the landscaping plan.

Ms. Herzig-Desnick expressed concern about the size of the tennis house and stated that she believed it was too large for an accessory structure. She thought that the gates should be more open.

Ms. Moran expressed concern over the appearance of the gates and stated her preference was that there were no gates. She thought the pavilion was too large for the area. She spoke in support of the proposed changes to the roofline. She requested fencing between the bushes rather than a wall.

Ms. Albarran addressed the elevation of the proposed roof and stated that she appreciated the size of the tennis house. She spoke in support of reducing the size of the gates.

Ms. Patterson spoke regarding the gate and the wall, and spoke in support of a more open design. Discussion ensued on the possibility of pushing the gate back and options for the gate width.

A motion was made by Ms. Damgard and was seconded by Ms. Albarran to approve the project, with the condition that the gate and wall design shall return to the meeting on December 20, 2023, for approval. The motion was carried 6-1, with Ms. Herzig-Desnick dissenting.

4. **COA-23-041 25 MIDDLE RD.** The applicant, John & Monika Preston, has filed an application requesting a Certificate of Appropriateness for the expansion and enclosure of an existing first-floor loggia and the expansion of the second-floor balcony of a landmarked residence.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members.

Caroline Forrest, MHK Architecture, presented the architectural plans proposed for the landmark residence.

Ms. Albarran spoke regarding the history of the property and that the entire property is not landmarked.

Ms. Fairfax wondered if the glass on the balcony diminished the project.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, expressed appreciation for the photos and drawings being shown. She felt it was appropriate for the Landmarks Preservation Commission to hear the project keeping the photos and drawings in mind.

Ms. Fairfax spoke in support of installing divided lights rather than the proposed glass. Discussion ensued on the possibility of changing from the glass to divided lights.

Mr. Ives requested that items, such as the photos and drawings, be included in the agenda packet prior to the meetings. He stated that he felt that the extension of the third bay would work better for the ratio relationship to the house. He felt that the proposed changes were de minimis and that the home was evolving.

Ms. Moran agreed that the changes were de minimis and stated that she preferred the plate glass to divided lights in this specific project.

Mr. Griswold spoke in support of the project as presented and felt that divided lights would take away from the detail.

Mr. Wong spoke in support of the project as presented and spoke regarding the ornamental pillars creating a natural separation.

Ms. Albarran spoke in support of the project as presented, except for removing the doors and keeping just the open glass.

Ms. Herzig-Desnick agreed that the door should be removed.

Ms. Forrest agreed that the south-facing doors would be removed and that the doors would only be maintained on the east.

A motion was made by Ms. Damgard and was seconded by Ms. Moran to approve the project as presented. The motion was carried 6-1, with Ms. Fairfax dissenting.

5. **COA-23-042 127 DUNBAR RD.** The applicant, 127 Dunbar Trust, has filed an application requesting the Landmarks Preservation Commission review and approval for a Certificate of Appropriateness for installation of vehicular gates at a Landmarked residence.

Ms. Pardue provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members.

Megan Taylor, Tralongo & Taylor Architecture + Design, presented the architectural plans proposed for the new vehicular gates.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Ms. Fairfax expressed concern over the width of the proposed gates. Discussion ensued on the possibility of reducing the gate width.

Ms. Moran expressed concern over the wall and the gates.

Ms. Damgard stated that the new wall was an improvement over the old wall.

A motion was made by Ms. Fairfax and was seconded by Ms. Damgard to approve the project, with the condition that the gate shall be reduced to 12 feet in width. The motion was carried unanimously, 7-0.

D. HISTORICALLY SIGNIFICANT BUILDINGS-OLD BUSINESS

None

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-23-009 (ZON-23-111) 269 PARK AVE (COMBO) AND FLOODPLAIN VARIANCE** The applicant, Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge), has filed an application requesting Landmarks Preservation Commission review and approval for exterior alterations to an existing three-story historically significant building, specifically to add a front terrace deck onto an existing ground floor entry porch, to construct a new gable-end entry, to add four new dormer windows (two on the east and two on the west side) to the roof of an existing three-story building, requiring a variance from the Floodplain requirement from Chapter 50, Floods, to maintain the existing building at a finished floor elevation below current FEMA requirements, and a variance to expand a nonconforming third floor, to increase the maximum height and to reduce the required front and side setback. Town Council shall review the application as it pertains to zoning relief/approval.

Mr. Falco provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by Ms. Albarran and Mr. Ives.

Jeffrey Brasseur, Brasseur & Drobot Architect, presented the architectural plans proposed for the landmark residence.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, spoke in support of the proposed changes and appreciates that the appearance of the front entry will be restored to closer to the original state.

Mr. Ives expressed appreciation for this project due to the state of the home.

Mr. Griswold expressed appreciation for this project, as well.

Ms. Herzig-Desnick expressed appreciation for the front elevation but spoke in opposition to the dormer windows on the side.

Ms. Moran stated that the proportion of the dormer windows was off and felt that they were too far apart from each other. She expressed concern over the parapet.

Ms. Damgard spoke in support of the project as presented.

Ms. Albarran spoke in support of the project and inquired if the dormer windows could be moved to be centered.

Ms. Fairfax spoke in support of the dormer windows and stated that they could be larger. She spoke in support of just one dormer window like the original configuration. A discussion ensued about the dormer windows.

A motion was made by Ms. Moran and was seconded by Ms. Albarran to defer the project to the December 20, 2023, meeting for a restudy of the parapet and dormer windows. The motion was carried unanimously, 7-0.

XI. Landmark Designation Hearing

1. ITEM 1: 262 SUNSET AVE.

Owner: NED 262 Sunset LLC

Call for disclosure of ex parte communication: Disclosure by Ms. Patterson and Mr. Ives.

Ms. Murphy, MurphyStillings, LLC, testified to the architecture and history of this Prairie-style structure. Ms. Murphy pointed out the design features of this building. Ms. Murphy testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of indigenous materials or craftsmanship.

A motion was made by Ms. Moran and was seconded by Ms. Damgard to make the designation report for 262 Sunset Avenue part of the record. The motion was carried unanimously, 7-0.

Ms. Patterson asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

Ms. Patterson called for public comment on the designation.

John Rice, an attorney on behalf of NED 262 Sunset LLC, asked that Attorney Jamie Crowley's letter transmitted on April 18, 2023, be made a part of the record. Mr. Rice indicated that while the owner supported the landmark designation program, he was surprised to see his property under consideration. Mr. Rice provided a background of the property and outlined why he believed the property did not meet the criteria for designation. He pointed to the 2020 Master Site Survey, stating that the building did not meet the district criteria. Mr. Rice also summarized several procedural concerns. Mr. Rice restated the criteria he felt the property failed to meet.

Town Attorney Randolph confirmed that the attorney had the right to defer the hearing if he felt he had not received property notice. Mr. Rice stated that he was aware of the hearing and would like to move forward.

Mr. Rice provided objections to criteria 1 and 3, which Ms. Murphy indicated was the basis of the landmark designation. Mr. Rice read the Town's Comprehensive Plan, which ensured that only buildings that had architectural or

historical significance were designated as a landmark of the Town of Palm Beach.

Ms. Murphy indicated that Mr. Rice's research was based on a report from ESI, completed in 2020. She indicated that ESI's research was not exhaustive of each property; ESI indicated in their report that more research on each property could yield further results. Ms. Murphy indicated that MurphyStillings performed an exhaustive survey of the property at 262 Sunset Avenue. She further indicated that the property was listed as a contributing property in a National Register Historic District, which was reviewed at the state and federal levels.

Gene Pandula, an architect representing the owner, discussed the property's history of not being recommended for landmark status over the last 40 years. He discussed the changes to the building, which began in the 1970s and continued over several years. He argued that the building had lost its spirit due to the modifications over the years.

Ms. Mittner argued that the Commission had landmarked buildings in the past with the understanding that reversible items could be removed.

Mr. Pandula did not believe it was a good precedent to landmark a building with the caveat that the future owner must reverse items to restore it to its historic nature.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the building was not grand or elaborate; however, she thought the building told a strong story about Palm Beach. She thought the Landmark Program protected buildings that represented different times, developments, and architectural styles in Palm Beach's history. She stated that this building was the last remaining example of its time on the street. She agreed that the ESI survey was more of a windshield survey, not an in-depth survey. She thought this was a textbook example of the Prairie architectural style. She thought the changes over the years were minimal.

Mr. Ives did not believe there was a lack of notice in the procedures. He discussed a previous committee in which he participated with Dr. Jane Day. He indicated that 262 Sunset Avenue was one of the properties that the committee discussed, which they believed had an influence on the area. He did not believe the modifications were significant enough to not landmark the property. He thought the contribution of the building to Palm Beach was undeniable. Mr. Ives argued that the property was very important and advocated for the Commission to recommend it as a landmark.

Ms. Damgard felt strongly about the property, especially since it was the last example in the area. She thought the building had the charm of Palm Beach.

Mr. Griswold agreed with Ms. Damgard and Mr. Ives. He asked the attorney why the property could not be adapted for a different use. Mr. Rice stated that the building would be incorporated into the Town-Serving Commercial Use and unified with the adjacent property. Mr. Rice stated that the team paused all projects when the property was put under consideration.

Ms. Moran thought that fair notice had been provided. She also indicated that permits could be given while under consideration for landmark status. She thought the building was a clear example of what the street looked like in the 1920s.

Ms. Albarran agreed with her fellow members. She felt that this was an important representation of the street and added it was important to maintain the history.

A motion was made by Ms. Damgard and was seconded by Ms. Herzig-Desnick to recommend 262 Sunset Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161, and with the acknowledgment of owner opposition of the designation. The motion was carried unanimously, 7-0.

2. ITEM 2: 318 AUSTRALIAN AVE.

Owner Combinat LLC

Call for disclosure of ex parte communication: Disclosure by several members.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of this bungalow-style residence. Ms. Murphy pointed out the design features of this building. Ms. Murphy testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of indigenous materials or craftsmanship.

Ms. Patterson asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

A motion was made by Ms. Moran and was seconded by Ms. Damgard to make the designation report for 318 Australian Avenue part of the record. The motion was carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation.

Aimee Sunny, Preservation Foundation of Palm Beach, stated she was thrilled

that the home was brought forward by the owner, and she thanked the owner for her stewardship of the property.

A motion was made by Ms. Damgard and was seconded by Mr. Griswold to recommend 318 Australian Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161, and with the acknowledgment of owner support of the designation. The motion was carried unanimously, 7-0.

M. Timothy Hanlon, attorney for Combinat LLC, stated that the principal was Elizabeth Ailes, who completely supported the designation.

XII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

- A. Public
No one indicated a desire to speak.
- B. Staff
No one indicated a desire to speak.

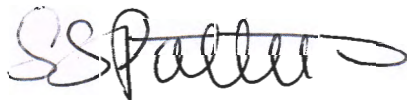
XIII. NEXT MEETING DATE: Wednesday, December 20, 2023

XIV. ADJOURNMENT

A motion was made by Ms. Albarran and was seconded by Ms. Damgard to adjourn the meeting at 1:49 p.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 20, 2023, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,



Sue Patterson, Chair
LANDMARKS PRESERVATION COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>Patterson, Sue</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Landmarks Preservation Commission</u>	
MAILING ADDRESS <u>710 S. Ocean Blvd</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <u>Palm Beach</u>	COUNTY <u>Palm Beach</u>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <u>November 17, 2023</u>		NAME OF POLITICAL SUBDIVISION: <u>Town of Palm Beach</u>	
		MY POSITION IS: ☐ ELECTIVE ☒ 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, Sue Patterson, hereby disclose that on November 17, 2023:

(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:

COA- 21-017
720 S. Ocean Blvd.
Continuing Conflict

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

11/17/23

Signature

SSPalle

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.