

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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, NOVEMBER 16, 2022.**

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
Kim Coleman, Vice Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
Anne Fairfax, Member	PRESENT
Brittain Damgard, Member	PRESENT
Bridget Moran, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT
Julie Herzig Desnick, Alternate Member	PRESENT

Staff Members present were:

James Murphy, Assistant Director of Planning, Zoning and Building
Sarah C. Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Deputy 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 OF THE OCTOBER 19, 2022, MEETING

Motion made by Ms. Albarran and seconded by Ms. Moran to approve the minutes of the October 19, 2022 meeting. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue read a few modifications to the agenda into the record. They were as follows:

- Deferred HSB-22-011 (ZON-22-122) 141 Australian Ave. to December 21, 2022
- Deferred the Designation Hearing of 1250 N. Ocean Blvd. to January 18, 2023
- Addition of 163 Seminole Avenue for consideration of landmark status.

Motion made by Ms. Coleman and seconded by Ms. Albarran to approve the agenda as presented. Motion 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. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)

No one indicated a desire to speak.

VIII. PROJECT REVIEW

A. DISCUSSION ITEMS

1. Progress Update on Royal Poinciana Plaza

Alexandra Clark, UpMarkets, provided an update on the Royal Poinciana Plaza.

Ms. Coleman asked for an update on the restaurant operator. Ms. Clark responded and stated they were looking for the right operator for the space.

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

None

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-22-037 (ZON-22-107) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)** The applicant, the Town of Palm Beach, has filed an application requesting a Certificate of Appropriateness review and approval for modifications to an existing town-owned park (Phipps Ocean Park) including sitewide landscape improvements, modification to the parking lot and pedestrian ways, the relocation of the existing Little Red Schoolhouse, the construction of restroom facilities, sports courts, beach pavilions and an educational facility including variances to exceed height limitations in the R- B zoning district and to reduce minimum required Ocean Bulkhead Line setbacks for new structures. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments for this project.

Call for disclosure of ex parte communication: Disclosure by several members. *Please note: Anne Fairfax declared a conflict of interest with the project and left the dais during the discussion.*

Carolyn Stone, Deputy Town Manager, remarked the Phipps Ocean Park project draft master plan was initially presented to Town Council on June 8, 2021. Since then, the project had evolved into what it was today. The Council had conceptually approved renovations to the park and would be given additional presentations for consideration at future meetings. The Town was the owner/applicant, and the Preservation Foundation had been leading and graciously funding the design phase, while working with the landscape design team, architectural firms, and civil engineers. They had engaged in community outreach and had a capital campaign underway to support this project. The presentation to LPC was a milestone as the project moves through the Town's process. She added that the execution of the capital grant and operating agreements by the Town Council and the Foundation that would happen at a future date.

Amanda Skier, Preservation Foundation of Palm Beach, reviewed the timeline of the modifications to the park.

Raymond Jungles, Raymond Jungles Inc, introduced Guy Champin, Senior Associate with his firm.

Guy Champin, Raymond Jungles Inc., presented the landscape and hardscape plans proposed for the park.

Richard Sammons, Fairfax and Sammons, presented the architectural plans proposed for the Little Red Schoolhouse and the Slat House in the park.

Scott Collison, Fairfax and Sammons, presented the architectural plans proposed for the Coastal Restoration Center, restroom facilities, and beach pavilions.

Harvey Oyer, attorney for the applicant, explained the nine variances that were requested and advocated for a positive recommendation to the Town Council.

Ms. Patterson called for public comment.

Skip Aldridge, 2295 S. Ocean Blvd., indicated he was speaking on behalf of many of the residents in his building, and spoke in support of the project. However, he did indicate that some residents had some concerns with some of the aspects of the park but thought Ms. Skier was addressing the concerns.

Ellyn Bogdanoff, attorney representing 2100 Condominium Association at Sloan's Curve, stated her clients had concerns for noise and placement for mechanical equipment, but they were supportive of the changes and indicated they would continue to work with the Preservation Foundation on their concerns.

Peter Wilson, 2275 S. Ocean Blvd. and on behalf of The Reef Condominium, was supportive of the changes. However, he expressed concerns for the proposed pickleball courts and lack of landscaping on the south end of the park.

Emily Leonard, 2155 Ibis Isle Road, expressed concern for the education center being visible above the tree line. Mr. Jungles responded and indicated that it would not be an issue.

Lawrence Kaplan, 2299 Ibis Isle Road, praised the design team as well as the applicant for listening to the neighbors. He provided support for the project.

Jeff Koons, 2275 S. Ocean Blvd., expressed concern for the sidewalk located near the proposed parking lot at the very south end of Phipps. The sidewalk needed to be included for safety. He would like to see an addendum to the approval to ensure the sidewalk is completed. The addendum would urge the town to install the sidewalk. Mr. Koons believed FDOT wanted the sidewalk. He stated this restoration was going to be world class.

Gardner Hempel, 2155 Ibis Isle Road, stated that the Preservation Foundation had been very responsive to the comments from the neighbors. He asked, with respect to the invasive eradication and removal on the West side, how much would be removed and over what period? He felt the removal would threaten the sanctuary for aviary and fish, as well as the visual and sound buffers, which were so important to the condominiums on the west side. Mr. Hempel learned today about the focus of the cupola on the Education Center. He asked why it could not be removed altogether.

Betsy Shiverick, Chairman of the Board of the Preservation Foundation, spoke about the transformation of the park.

Ms. Metzger was supportive of the project and supported the comment to share the pickleball courts with the tennis courts.

Mr. Segraves inquired about the height of the building with the cupola. Mr. Collison responded and explained the design. Mr. Segraves was supportive of the cupola and thought since the building would sit low on the site, he did not believe it would be seen. Mr. Segraves asked about the sidewalk and where it would be located. Ms. Skier responded.

Ms. Damgard thought the architecture was appropriate and beautiful for the site. She thought the project was very well done.

Ms. Albarran thought the project was wonderful.

Ms. Coleman inquired about the removal and replacement of the invasive species removal and replacement. Ms. Skier responded.

Mr. Wong thought the project would be beautiful.

Ms. Moran thought the project would be wonderful. She wondered if the pickleball could be removed for the approval of the project.

Ms. Herzig-Desnick thought the project would be beautiful. She was excited to see the native plants and hoped it would encourage other residents to add native plants to their homes. She also inquired about the mechanical yard and how this area would be handled. Ms. Skier responded.

Ms. Stone spoke about the pickleball courts. She the town ask the Recreation Advisory Commission to make a recommendation for pickleball. They recommended the installation of pickleball courts in Phipps Ocean Park.

Ms. Coleman wondered if the players had complained about the location of the courts.

Mario Nievera, 2275 S. Ocean Blvd., expressed his concern about the buffering between his residence and the pickleball courts. He believed the

plan needed to be restudied and the buffer increased.

Ms. Albarran inquired about the proposed buffer between the park and 2275 S. Ocean Blvd. Mr. Champin stated the buffer was currently 15 feet.

Ms. Herzig-Desnick inquired about the purpose of the cupola. Mr. Collison responded there was no intent to have mechanical ventilation but there would be natural airflow.

Motion made by Ms. Albarran and seconded by Mr. Segraves to approve the project as presented, with the following conditions: a study of the buffer on the south border to ensure there is ample landscaping as a buffer for the condominium to the south, a study of a walkway from the north to the south of the park along A1A and the playground can be approved by staff.

Mr. Oyer asked for clarification on the motion. Ms. Albarran urged staff to study the buffer.

Ms. Coleman inquired about the safety of the park. Ms. Skier announced that there would be 50 new cameras installed as well as closed vehicular gates after sunset.

Wayne Bergman, Director of Planning, Zoning and Building, indicated that a staff approval of the playground would be in consultation with the Chair.

Motion carried unanimously, 7-0.

Motion made by Ms. Albarran and seconded by Ms. Coleman that implementation of the proposed variances will not cause negative architectural impact to the subject property and that the variance for the bulkhead will include all structures eastward of the setback. Motion carried unanimously, 7-0.

Please note: A short break was taken at 11:09 a.m. The meeting resumed at 11:24 a.m.

2. **COA-22-050 (ZON-22-136) 200 REGENTS PARK RD (COMBO)** The applicant, 200 REGENTS PARK ROAD TIC-I, LLC And 200 REGENTS PARK ROAD TIC-II, LLC, has filed an application requesting Certificate of Appropriateness review and approval to raise the existing two-story Landmarked structure above minimum FEMA requirements, including a variance to exceed the maximum amount of fill in all required yards and variances to retain existing nonconformances. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments for this project.

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

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the modifications to the residence.

Ms. Patterson inquired how the raised home would relate to the neighboring homes. Mr. Perry responded.

Ms. Albarran discussed how she was raising a neighboring home and understood the conditions.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, requested that the professional keep the semi-circular driveway/entry with a landscape buffer. It was mirrored by a home across the way. Since this was a historic district, Ms. Sunny thought it was important to consider making changes to the circular entry area. If standing in the plaza in the center, the two buildings had the exact same curve and were direct mirrors of each other. She thought the landscape should continue to be a direct mirror, also. She also stated that she supported raising the building, however she asked about using fill to raise the home.

Mr. Perry responded and explained the fill scenario.

Ms. Herzig-Desnick inquired how the runoff would be handled with the site walls. Mr. Perry responded and explained how it would be handled.

Motion made by Ms. Albarran and seconded by Ms. Coleman to approve the project as presented. Motion carried unanimously, 7-0.

Motion made by Ms. Albarran and seconded by Ms. Coleman that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

None

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-22-011 (ZON-22-122) 141 AUSTRALIAN AVE (COMBO)** The applicant, Gregory James Pamel, has filed an application requesting Landmarks Preservation Commission review and approval for proposed exterior alterations to a Historically Significant primary structure, and for the demolition and reconstruction of an existing two-story nonconforming accessory structure in the rear yard, including variances for setback, height, number of stories, and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the December 21, 2022 meeting at the Approval of the Agenda, Item V.

2. **HSB-22-013 249 SANDPIPER DR** The applicant, Alec Scheiner, has filed an application requesting Landmarks Preservation Commission review and approval for substantial site and landscape modifications and hardscape alterations, to an existing one-story Historically Significant Building.

Ms. Pardue provided staff comments for this project.

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

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications for this site.

Ms. Fairfax inquired about the hedging material along the driveway. Mr.

Mizell responded.

Ms. Coleman inquired about the relocated tree. Mr. Mizell responded.

Ms. Moran inquired if the retaining wall on the street would be covered with greenery. Mr. Mizell responded and explained the design for the wall.

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

Motion made by Ms. Moran and seconded by Mr. Segraves to approve the project as presented. Motion carried unanimously, 7-0.

3. **HSB-22-015 177 QUEENS LN** The applicant, Mr. & Mrs. Parson, has filed an application requesting Landmarks Preservation Commission review and approval for the renovation of a Historically Significant two-story building with related landscape and hardscape improvements.

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 modifications proposed for the existing residence.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, expressed concern for the front door fenestration design. Specifically, the front door had a transom over the front door, which she believed was a character defining feature. She asked if there would be a way to add side lights, retain the transom over the front door, and add transoms above the side lights. She also asked if any of the fenestration on the front façade was being moved. Ms. Sunny also inquired whether the windows and doors were being moved or just replaced.

Mr. Segraves suggested keeping the transom and single front door, along with adding shutters on each side of the front door. Ms. Forrest suggested she could add a hurricane glass door in front of a single door.

Ms. Coleman agreed that the glass door was a good solution. She wondered if the professional was able to move the fire hydrant. Ms. Forrest responded the fire hydrant should not be a problem once the new landscaping was installed.

Ms. Fairfax agreed with the solution for the front door. Ms. Fairfax cautioned that the shutters should be appropriately sized, so they close and cover the window. Ms. Fairfax responded.

Ms. Moran wondered if the pecky cypress door could be retained. Ms. Forrest stated that the doors were completely rotted. Ms. Moran inquired about the color of the windows. Ms. Forrest stated that they would be painted to match the color of the house.

Mr. Wong inquired if other colors had been considered. Ms. Forrest responded.

Dustin Mizell, Environment Design Group, presented the landscape and

hardscape modifications for this site.

Janet Murphy expressed her appreciation for the changes.

Ms. Fairfax asked the consultants their opinion on the front door.

Emily Stillings indicated that the front door solution was sufficient.

Ms. Moran asked what the final plan would be for the door.

Ms. Forrest responded and indicated the owner would prefer a solid, painted front door.

Motion made by Ms. Damgard and seconded by Ms. Coleman to approve the project as presented with the condition that the front door will be a solid door with a transom above the door and an additional glass door would be added in front of the front door. Motion carried unanimously, 7-0.

At this time, Janet Murphy presented 163 Seminole Avenue as a possible residence to place under consideration for Landmark Status.

Mr. Segraves inquired about what portion of the home was already landmarked. Ms. Murphy explained the small, front portion that was landmarked and indicated they would recommend to landmark the entire home.

Mr. Wong inquired if Ms. Murphy had photographs of the interior courtyard. Ms. Murphy stated she would be getting photographs during their investigation of the home.

Ms. Fairfax said this was a fantastic house with all the original Misner furnishings. She indicated she had previous conversations with the owner, who was pleased about landmarking their home.

Motion made by Ms. Coleman and seconded by Ms. Fairfax to place 163 Seminole Avenue under consideration for landmark status. Motion carried unanimously, 7-0.

Please note: A lunch break was taken at 12:20 p.m. The meeting resumed at 1:04 p.m.

IX. DESIGNATION HEARINGS

1. 144 EVERGLADE AVENUE Owner: Leslie B. Johnston

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Colonial Revival style home. 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 (2) Is identified with historic personages or with important events in national, state or local history;

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.

Call for disclosure of ex parte communication: There were no disclosures at this time.

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

Motion made by Ms. Moran and seconded by Ms. Damgard to make the designation report for 144 Everglade Avenue part of the record. Motion carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation. There were no comments heard at this time.

Ms. Fairfax inquired about the expanded entry portico. Ms. Murphy responded.

Motion made by Mr. Segraves and second by Ms. Coleman to recommend 144 Everglade Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 2 and 3 in Section 54-161, and with the acknowledgement of owner consent. Motion carried unanimously, 7-0.

2. **127 KINGS ROAD**

Owner: Angie and James McNamara

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

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings 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;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

Motion made by Mr. Segraves and seconded by Ms. Coleman to make the designation report for 127 Kings Road part of the record. Motion carried unanimously, 7-0

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

Aimee Sunny, Preservation Foundation of Palm Beach, spoke of the importance of preserving the significant early preservation projects in Palm Beach. She encouraged a vote to approve this item and protect an important part of Town of Palm Beach history.

Ms. Fairfax inquired about the owner's objections. Town Attorney Randolph stated the owner did not have to be present and if they were to request demolition in the future, under House Bill 423, they would be allowed.

Ms. Albarran inquired if House Bill 423 was rescinded, how would it affect any owner's objections while the bill was in effect. Mr. Randolph stated he believed there would be an argument by those who objected while the act was in effect, that the act would apply to them. However at this time, he did not have a definitive answer.

Motion made by Ms. Fairfax and second by Ms. Coleman to recommend 127 Kings Road to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried unanimously, 7-0.

3. **1510 N. OCEAN BLVD.**
Owner: James C. Gavigan

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

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style home. 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;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

Motion made by Ms. Moran and seconded by Ms. Coleman to make the designation report for 1510 N. Ocean Blvd. part of the record. Motion carried unanimously, 7-0

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

James Gavigan, 1510 N. Ocean Blvd., reviewed the details of his home and explained why he did not believe the home should be landmarked. He asked the Commissioners not to landmark his home.

John Gavigan, 1510 N. Ocean Blvd., asked for confirmation that the letter sent by Mr. James Gavigan was placed into the record. He also stated the house was susceptible to flooding.

Aimee Sunny, Preservation Foundation of Palm Beach, reminded the Commission that they were to consider the criteria for landmark designation. She agreed that the home met criteria 1, 3 and 4. She indicated that the Commission worked with homeowners and there was flexibility. She noted the Commission had criteria to consider within the ordinance, and this property met three of the four criteria.

Ms. Murphy reminded the Commission that they did landmark various sized homes.

Valerie Gavigan, 1510 N. Ocean Blvd, indicated that they loved their home and had no plans on changing the home.

Motion made by Ms. Fairfax and second by Ms. Coleman to recommend 1510 N. Ocean Blvd. to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried unanimously, 7-0.

4. **755 S. COUNTY ROAD**

Owner: Cynthia E. Taylor & Terry R. Taylor

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

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings 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. Churney provided confirmation.

Motion made by Ms. Damgard and seconded by Ms. Moran to make the designation report for 755 S. County Road part of the record. Motion carried unanimously, 7-0

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

Peter Broberg, 220 Monterey Road, provided reasons why the home should not be landmarked and did not believe it met the criteria for landmarking.

Ms. Stillings stated that there was nothing in the Code that stated a home must be older than 50 years old to be landmark worthy.

Aimee Sunny, Preservation Foundation of Palm Beach, thought this home was interesting and was indicative of the changing times. She thought the home met criteria 1, and 3.

Ms. Moran agreed with Mr. Broberg. She questioned the style of the home and wondered if the home was the intent of the architect.

Ms. Herzig-Desnick said she could not support this home being designated as a landmark.

Mr. Segraves stated he could not support the designation and thought the home had changed too much.

Ms. Fairfax understood the concerns of her fellow Commissioners. She stated she would be inclined not to designate this structure as a landmark because of the age of the house and the fact it was not anything like the original structure.

Ms. Moran added this house had been adapted over time.

Ms. Fairfax wondered about the original architect. Ms. Stillings responded.

Ms. Albarran took issue with some of the design features, particularly the fenestration.

Motion made by Ms. Fairfax and seconded by Ms. Moran that 755 S. County not be recommended to the Town Council for designation as a landmark of the Town of Palm Beach because of the many renovations to the original building and the young age of the home. Motion carried unanimously, 7-0.

5. **345 POLMER PARK ROAD**
Owner: Donna Jo Acquavella

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

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Mansard style home. 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;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

Motion made by Ms. Moran and seconded by Ms. Damgard to make the designation report for 345 Polmer Park Road part of the record. Motion carried unanimously, 7-0

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

Peter Broberg, 220 Monterey Road, asked that the letter from the Acquavellas be placed into the record, in which they object to their home being landmarked. He argued that the home was not worth being landmarked.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the home met criteria 1, 3, and 4 and thought it represented the changing styles in Palm Beach.

Mr. Moran disagreed with Mr. Broberg and thought the home was very nice.

Ms. Fairfax advocated to landmark the tea house but not the rest of the property.

Ms. Albarran was in favor of the home and learned that it would be the first Ames Bennett home to be landmarked. Ms. Albarran thought the home was wonderful and had nice proportions and symmetry.

Ms. Coleman thought the home was beautiful.

Mr. Wong agreed with Ms. Fairfax and thought the tea house was worthy of landmarking.

Motion made by Ms. Fairfax to recommend the pool house only at 345 Polmer Park Road to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion failed for lack of second.

Motion made by Ms. Albarran and seconded by Ms. Moran to recommend 345 Polmer Park Road to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried 6-1, with Ms. Fairfax dissenting.

Please note: A short break was taken at 2:34 p.m. The meeting resumed at 2:46 p.m.

6. **205 NIGHTINGALE TRAIL**

Owner: Eliza S. Meyer & William B. Meyer

Call for disclosure of ex parte communication: There were no disclosures at this time.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Styled Ranch style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings 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;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

Motion made by Mr. Segraves and seconded by Ms. Damgard to make the designation report for 205 Nightingale Trail part of the record. Motion carried 6-1, with Ms. Fairfax dissenting.

Ms. Patterson called for any public comment on the designation. There were no comments heard at this time.

Ms. Fairfax was not in favor of landmarking the home. She questioned the style of the home, as well as the architect.

Ms. Moran agreed that the home should not be landmarked due to the many changes to the original home.

Motion made by Ms. Moran and seconded by Ms. Fairfax that 205 Nightingale Trail not be recommended to the Town Council for designation as a landmark of the Town of Palm Beach because of the many renovations to the original building. Motion carried unanimously, 7-0.

7. **686 ISLAND DRIVE**

Owner: Robert Greenhill

James Green, Attorney for the owner, indicated that his client objected to the offer to only designate the front façade. After discussion, it was decided that the consultants would present the designation report a second time, since the last presentation was over one year ago.

Call for disclosure of ex parte communication: Disclosure by Mses. Metzger, Moran, and Coleman.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Neo-Classical Revival style home. 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;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

Motion made by Ms. Coleman and seconded by Ms. Fairfax to make the designation report for 686 Island Drive part of the record. Motion carried unanimously, 7-0

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

Mr. Green recounted some of the expert testimony that was offered at the last meeting when the property was presented. He indicated that his client was opposed to designation. He asked to have the expert testimony incorporated into the record from the November 17, 2021, meeting.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the home was a spectacular example of the home. She also thought the home met criteria 1, 3, and 4.

Ms. Patterson discussed some of the elements that she believed to be original when she lived in the home.

Mr. Green objected to the statements made by Ms. Patterson; he objected to her offering evidence and thought her statements should be stricken from the record. Mr. Green thought Ms. Patterson should recuse herself. Town Attorney Randolph thought her statements were a part of her ex parte communication. Mr. Randolph cautioned the Commissioners to make their decisions based on the evidence presented at the hearing.

Mr. Green discussed some of the elements on the home that had be altered.

Ms. Albarran asked about which part of the front façade the consultants felt should be designated. Ms. Murphy responded.

Mr. Wong asked about the reasons the owner was objecting to the designation of the home. Mr. Green responded.

Motion made by Ms. Fairfax and seconded by Ms. Moran to recommend the front façade, including the colonnade, balconies, terraces, front wall, including the fenestration and the front wall of 686 Island Drive the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried 6-1, with Mr. Segraves dissenting.

Mr. Segraves indicated that he voted no because he believed the entire home should be landmarked.

Many of the Commissioners indicated they would have supported a motion to landmark the entire home.

Town Attorney Randolph cautioned the Commission that they would need to open the motion, in order to hold any further discussions.

Motion made by Ms. Albarran and seconded by Ms. Coleman to open the motion for reconsideration of the previous motion. Motion carried unanimously, 7-0.

Ms. Coleman wondered how a front façade could be maintained while rebuilding the remainder of the home. Ms. Fairfax confirmed it is possible.

Mr. Segraves advocated to designate the entire home, not only the front façade. He stated that the Commission looked at the entire home when any changes were proposed and therefore, he thought the entire home should be landmarked.

Ms. Fairfax stated she would support Mr. Segraves' motion of landmarking the entire home if he were to make one.

Town Attorney Randolph asked Ms. Murphy if the presentation supported designating the entire home, or only the front façade. Ms. Murphy stated her recommendation was to landmark the front façade, as a compromise to the owner.

Ms. Murphy stated that the front façade designation was a compromise with the homeowner. She indicated that the first presentation's intent was to designate the entire home; however, a compromise was made to designate the front façade only in which she would support. Mr. Randolph asked if the original recommendation was to designate the entire home. Ms. Murphy responded yes, but the recommendation changed to the front façade only as a compromise with the owner.

Ms. Moran pointed out that the home had two public facing views, one from the street and the other from the water.

Ms. Murphy pointed out that even if the front façade was landmarked, the Commission would have the purview of the entire home.

Ms. Herzig-Desnick did not understand the purpose of only landmarking the front façade of the home. Ms. Herzig-Desnick thought the entire home should be landmarked if it was the Commission's purview.

Ms. Murphy thought some owners felt more comfortable if they know only a portion is landmarked.

A discussion ensued about the Commission's purview when only a portion of a piece of property was landmarked.

Motion made by Mr. Segraves and seconded by Ms. Coleman to recommend 686 Island Drive to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried unanimously, 7-0.

8. **4 VIA VIZCAYA**

Owner: Monnie B. Donnelly & Thorne B. Donnelly

Call for disclosure of ex parte communication: There were no disclosures at this time.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Monterey Revival style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings 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;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

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

Motion made by Ms. Damgard and seconded by Ms. Moran to make the designation report for 4 Via Vizcaya part of the record. Motion carried unanimously, 7-0

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

James Green, attorney for the Ms. Donnelly, cautioned the Commissioners to not landmark at home if it did not clearly meet the criteria in the Code. Mr.

Green also suggested that the Commission should landmark a home against the homeowner's wishes unless the structure was clearly important. He did not believe the home met the criteria, and provided arguments for the criteria. He advocated against landmarking the home.

Wes Blackman, Certified Urban Planner, discussed the flooding and air quality issues with the home during storms. He presented a video, which demonstrated the pump used in the home to mitigate water issues. He also presented photographs of the home, which showed a garage and other addition to the home.

Nancy Udell, attorney with James Green, interviewed their witness, Gary Cole, and asked him to present his credentials. Mr. Cole outlined his credentials. Ms. Udell asked Mr. Cole if he had reviewed the materials for 4 Via Vizcaya and if so, she asked if he believed the home met the criteria for landmark designation. He did not believe the home met the criteria. She asked Mr. Cole to describe a Certified Local Government (CLG). Mr. Cole responded and provided a description.

Ms. Udell asked Mr. Cole to address each criterion and why he believed it did not meet the criteria as stated by Ms. Stillings. Mr. Cole responded and outlined the reasons he did not believe criteria 1, 3 and 4 had been met.

Monnie B. Donnelly, homeowner, spoke against landmarking her home.

Aimee Sunny, Preservation Foundation of Palm Beach, noted that the home was being considered for local designation, not the national register. She argued that according to the National Park Service guidance, the home retained much of its original integrity and significance. She acknowledged the changes to the home and believed they did not detract from the integrity of the home. She thought it was an accurate representation of the Monterey style home, as shown in the Field Guide to American Architecture.

Ms. Patterson inquired if Ms. Sunny was concerned with the flooding issues that were presented by Mr. Blackman and the homeowner. Although she was sorry to hear about the flooding issues, Ms. Sunny discussed several different methods that could help to mitigate these issues.

Mr. Cole responded to Ms. Sunny's comments and argued that the local ordinance for landmark designation was based on the National Register's criterion.

Ms. Donnelly discussed the issues that she had taken to mitigate the flooding in her home.

Ms. Fairfax acknowledged the contentious hearing. She told the homeowner that the new legislation would allow the homeowner to demolish her home, even if landmarked. Ms. Fairfax thought the home was worth saving.

Mr. Segraves stated he was not in favor of landmarking the home. He thought the house was plain but acknowledged the additions were fine. He questioned if the home was in the Monterey style.

Ms. Moran thought the home was a nice and characteristic of a Monterey style home. She argued that Maurice Fatio would argue that this home was an important example in the Town.

Ms. Coleman thought the flooding had nothing to do with whether the home was worthy of landmark designation as she believed that was the topography of the land. She discussed the benefits of being a landmarked home and the benefits that would be afforded to the homeowner.

Ms. Damgard thought that the Landmark Commission aimed to assist homeowners' ability to renovate and modify their homes.

Ms. Albarran discussed how as a landmarked home, improvements over 50% of the value could be made to a home. Ms. Fairfax agreed and discussed the leeway that a landmarked home had when being modified.

Town Attorney Randolph stated that the Commission should deliberate on whether the home met the criteria outlined by the consultants.

Motion made by Ms. Fairfax and seconded by Ms. Moran to recommend 4 Via Vizcaya to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried 6-1, with Mr. Segraves dissenting.

9. **1250 N OCEAN BLVD.**

Owner: Marsha Beeson

Please note: This item was deferred to the January 18, 2023 meeting at the Approval of the Agenda, Item V.

10. **205 JAMAICA LANE**

Owner: William K. Tomita

Please note: This item was deferred to the December 21, 2022 meeting at the Approval of the Agenda, Item V.

11. **246 ATLANTIC AVE**

Owner: Teddy's Land Joint Venture, LLC

Please note: This item was deferred to the January 18, 2023 meeting at the Approval of the Agenda, Item V.

X. **UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

None

XI. COMMENTS OF THE LANDMARK COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

None

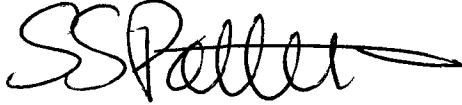
XII. NEXT MEETING DATE: Wednesday, December 21, 2022

XIII. ADJOURNMENT

Motion made by Ms. Albarran and seconded by Ms. Coleman to adjourn the meeting at 4:42 p.m. Motion carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 21, 2022, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sue Patterson", with a long horizontal flourish extending to the right.

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 <i>Seagraves, Patrick</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmark Preservation Commission</i>	
MAILING ADDRESS <i>2500 S. Ocean Blvd. #2A1</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>Nov. 16, 2022</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		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, Patrick Segrales, hereby disclose that on November 16, 20 22.

(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 Donna Jo Acquavella, 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:

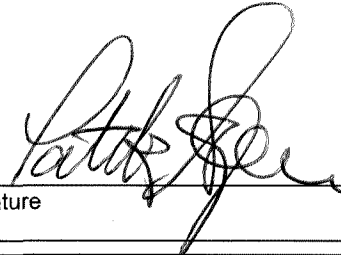
Designation Hearing
of 345 Palmer Park Road

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

11-16-22

Signature



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

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

LAST NAME—FIRST NAME—MIDDLE NAME Fairfax, Anne		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 455 Worth Ave #303		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED Nov. 16, 2022		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		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:

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APPOINTED OFFICERS (continued)

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- You must disclose orally the nature of your conflict in the measure before participating.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Anne Fairfax, hereby disclose that on November 16, 20 22.

(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 Preservation Foundation of Palm Beach, 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 - 22-037
2185 S. Ocean Blvd.
Phipps Park

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

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