

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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JUNE 22, 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	ABSENT (Excused)
Brittain Damgard, Member	PRESENT
Bridget Moran, Member	ABSENT (Unexcused)
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	ABSENT (Unexcused)
Julie Herzig Desnick, Alternate Member	ABSENT (Unexcused)

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

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE MAY 18, 2022 MEETING

Motion made by Ms. Damgard and seconded by Mr. Segraves to approve the minutes of the May 18, 2022 meeting. Motion carried unanimously, 6-0.

V. APPROVAL OF THE AGENDA

Motion made by Ms. Coleman and seconded by Ms. Albarran to approve the agenda as presented. Motion carried unanimously, 6-0.

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. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

Ms. Coleman wondered if the timeline of approved construction projects were being monitored as many seemed to take long for completion.

IX. DISCUSSION ITEM

1. Project Designation Manual Matrix

Mr. Murphy discussed the proposed changes for the project designation manual. He outlined the major changes that would affect the projects being reviewed by staff as well as the Commission. He indicated that the Town Council would approve the changes at their July 13, 2022 meeting.

X. PROJECT REVIEW

A. CERTIFICATES OF APPROPRIATENESS – OLD BUSINESS

- 1. COA-22-026 (ZON-22-070) 241 SEAVIEW AVE. (COMBO)** The applicant, Palm Beach Day Academy Inc., has filed an application requesting a Certificate of Appropriateness approval the construction of a new surface parking lot, new parking gates and lighting plan, to replace a portion of the west lawn and the construction of a new PVC fence along the north property line. Town Council will review the special exception with site plan review portion of the application.

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

Maura Ziska, attorney for the applicant, discussed the overall changes for the project and introduced Mr. Hall. She added that the rear wall presented would be changed to a CBS wall.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new parking lot.

Chad Gruber, Civil Engineer with Gruber Consulting Engineers, Inc., discussed the proposed drainage for the parking lot.

Mr. Segraves inquired about elevation of the parking lot compared to the surrounding properties. Mr. Gruber responded. Mr. Segraves thought the wall would help with any water drainage to the surrounding properties. Mr. Gruber stated that the elevation of the parking lot would remain approximately at the current elevation.

Ms. Pardue provided staff comments for this project.

Aimee Sunny, Preservation Foundation at Palm Beach, thought the masonry wall with stucco was more appropriate. She also indicated that the parking lot did not negatively affect the architecture of the historic landmark structure.

Ms. Coleman thought the plan was improved and was in favor of the change in material. She thought the new material would assist in the drainage. She inquired about the type of lighting that would be proposed. Mr. Hall responded and explained the proposed lighting.

Ms. Albarran believed the gravel would be a bit loud and uncomfortable. She inquired about the material proposal of the turf block. Mr. Hall responded and discussed the installation and material proposed. Ms. Albarran thought the turf block was very attractive.

Caroline Forrest, MHK Architecture & Planning, commented on the turf block material. She discussed how a solid surface was preferred, would elevate the look of the parking lot, and would allow for more drainage. Mr. Hall passed around the solid surface material sample.

Ms. Coleman pointed out a few issues with the gravel material.

Ms. Albarran thought the parking lot that allowed for a larger greenspace was more favorable.

Ms. Segraves thought the tabby concrete was a better solution for maintenance and noise.

Ms. Damgard inquired if the guest parking area was asphalt and wondered if the material would be changed. Mr. Hall stated the asphalt was existing and would remain. Ms. Forrest responded and explained why the area would need to remain as asphalt. Ms. Damgard discussed her positive experience with turf block.

Mr. Segraves understood the need to keep the existing parking lot in asphalt; however, he wondered if the material of the entrance to the existing parking lot could be changed to match the new entrance. Other Commissioners were in favor of this suggestion. Mr. Hall stated he could study the suggestion.

Ms. Patterson thought the school has always been underestimated and felt it should be held in high regard as a landmark in the Town. She was in support of the proposed project.

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

Motion made by Ms. Damgard and seconded by Ms. Coleman to approve the project with the shorter parking layout shown, and the following conditions: a new CBS site wall, tabby concrete material shall be used for the new lot and the existing driveway apron shall be changed to tabby concrete to match the new driveway apron. Motion carried unanimously, 5-0.

B. CERTIFICATES OF APPROPRIATENESS – NEW BUSINESS

1. **COA-22-028 (ZON-22-079) 284 MONTEREY RD. (COMBO)** The applicant, DHC MONTEREY LLC, has filed an application requesting a Certificate of Appropriateness review and approval for modifications to an existing one-story Landmarked structure including the construction of 450 SF one-story additions including two side setback variances and a variance from the angle of vision requirement. Town Council will review the Special Exception with Site Plan Review and variance portion of the application.

Call for disclosure of ex parte communication: Disclosure by Mses. Albarran and Metzger. *Please note: Patrick Segraves declared a conflict of interest for the project and left the dais for the discussion.*

Maura Ziska, attorney for the applicant, presented the overall project, discussed the zoning requests, and advocated for a positive recommendation to the Town Council.

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the addition and renovation to the landmarked residence. Mr. Clavijo passed out modified plans to the Commissioners.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the existing site.

Ms. Pardue provided staff comments for this project.

Ms. Murphy stated that MurphyStillings provided the applicant with comments that indicated the proposed changes would negatively affect the landmark's main façade of the residence.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, expressed her concerns for the changes proposed to the landmarked home and explained the reasons for her concerns. She presented plans to show the historic structure and discussed how much of the symmetry, size and scale would be lost with the proposed changes.

Ms. Albarran was conflicted with the proposal and was concerned with the loss of symmetry on either side of the bay window. She suggested a restudy of the area.

Ms. Coleman complimented Ms. Sunny on her suggestions to gain additional space in a different location.

Ms. Damgard asked the professional to restudy the proposal and to consider the alternate suggestions provided by Ms. Sunny.

Mr. Clavijo responded and explained the issues they would encounter should the plans change to ones that were recommended by Ms. Sunny. He advocated for the plans he initially proposed.

Ms. Metzger wondered if Mr. Clavijo could implement some of Ms. Sunny's suggestions into their plans and return in a month. Mr. Clavijo responded.

Ms. Coleman wondered if the garage could be changed into a guestroom. Mr. Clavijo responded and stated that the Code required to the applicant to retain a one-car garage.

Ms. Albarran provided the suggestion to place the addition on the same side as the garage. Mr. Clavijo responded.

A short conversation ensued about the possibilities of changing the location of the addition and the potential variances needed if the plans were changed.

Ms. Patterson indicated that the change in the front façade, the size of the proposed addition as well as the elevated roof line were a concern to her.

Motion made by Ms. Albarran and seconded by Ms. Damgard to defer the project for one month, to the July 20, 2022 meeting, for a restudy based on the comments from the Commissioners. Motion carried unanimously, 5-0.

2. **COA-22-029 (ZON-22-080) 250 ALGOMA RD. (COMBO)** The applicant, Cortright & Janice Wetherill, has filed an application requesting a certificate of appropriateness approval for the renovation of and modifications to a landmarked building including the construction of a new approximately 424 SF ground floor addition, including variance to exceed lot coverage and from Chapter 50, Floods, for the required floor elevation for the new ground floor addition. The variance portion of the application shall be reviewed by Town Council.

Call for disclosure of ex parte communication: Disclosure by Mses. Albarran and Metzger.

Maura Ziska, attorney for the applicant, discussed the overall changes for the project, explained the variance request and advocated for a positive recommendation to the Town Council.

Travis Radak, Radakovich Architecture, presented the architectural plans proposed for the addition and renovation of the existing landmarked residence.

Ms. Albarran stated that she suggested a change to the roof on the addition to Mr. Radak. Mr. Radak provided alternate plans to the Commissioners with the change and explained the reduction of massing in the roof structure.

Ms. Pardue stated that she did not have any comments on the project.

Ms. Patterson called for public comment.

Aimee Sunny, Preservation Foundation of Palm Beach, wondered if the change that Ms. Albarran provided would compete with the Landmarked structure. Ms. Sunny also suggested that the Commission discuss the material to be used for the siding.

Ms. Damgard inquired about the variance required for the addition. Mr. Radak responded and described the change that would be needed to eliminate the variance. Ms. Damgard expressed concern for the variance.

Ms. Coleman thought the addition was very large. Mr. Radak responded and explained the need for the additional space.

Mr. Radak explained that the property was large, and the road cut into the property. He explained the reason for the location of the addition and why it was placed in the proposed location.

Mr. Segraves questioned the size of the addition but was overall supportive of the request.

Ms. Coleman wondered about the location of the bathroom in relation to the bedroom. Mr. Radak responded.

Mr. Radak discussed the materials for the windows, doors, siding, and trim. Mr. Radak presented a material board that showed the proposed materials.

A short conversation ensued on the size of the bedroom addition and whether it should be reduced.

Motion made by Mr. Segraves and seconded by Ms. Damgard to approve the project as presented. Motion carried unanimously, 6-0.

C. HISTORICALLY SIGNIFICANT BUILDINGS – OLD BUSINESS

1. **HSB-22-006 220 CORAL LN.** The applicant, Michael and Anne Hall, has filed an application requesting Landmarks Preservation Commission review and approval for alterations and additions to an existing one story historically significant building.

Please note: This item was withdrawn at the approval of the agenda.

D. HISTORICALLY SIGNIFICANT BUILDINGS – NEW BUSINESS

None

XI. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public
None

2. Staff
Ms. Churney stated that Patrick Segraves declared a conflict for a project at 255 El Pueblo Way at the May 18, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Churney stated that Fernando Wong declared a continuing conflict for a project at 800 S. County Road at the May 18, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Churney stated that Jacqueline Albarran declared a continuing conflict for a project at 800 S. County Road at the May 18, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Churney stated that Jacqueline Albarran declared a conflict for a project at 324 Barton Avenue at the May 18, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Churney stated that Anne Metzger declared a conflict for a project at 241 Seaview Avenue at the May 18, 2022 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission
Ms. Metzger inquired about the upcoming changes to the landmark process.

Mr. Randolph discussed House Bill 423 and the changes that could be made to the Code that would affect the ARCOM and LPC Commission.

Mr. Segraves stated that he understood that the bill indicated that even a landmarked residence could be torn down. Mr. Randolph indicated that if an owner did not consent to the designation, it could be torn town. Many Commissioners expressed concern for the bill.

Ms. Coleman inquired about the sale of the property behind Wells Fargo on South County Road. Ms. Pardue indicated that staff had not received any plans for the property. She stated any changes would come before the Landmarks Preservation Commission.

Aimee Sunny, Preservation Foundation of Palm Beach, stated that her staff followed the legislation at the end for House Bill 432 and was very disheartened to hear about the potential changes. She indicated that she had spoken with MurphyStillings about a plan moving forward to designate properties that were not included in the flood areas outlined in the bill.

Ms. Sunny introduced Anthony Mendez, an intern working with the Preservation Foundation. She explained the project that he and other interns would be working on this summer. She hoped that the interns could make a presentation at one of the upcoming Town Council meetings.

A conversation ensued with Mr. Randolph and the Commissioners about House Bill 423. They discussed how the bill was passed without any knowledge of the legislation and how it would affect the current landmark program in the Town.

Maggie Zeidman, Town Council President, raised the issue of House Bill 423, and how the Town Council discussed joining forces with other municipalities in a response to the Governor. Ms. Zeidman also thanked the Commissioners for their work and indicated that the Town Council would discuss the possibility of eliminating the August meeting, beginning in 2023.

A short discussion ensued about House Bill 423 and how the bill was passed.

Some of the Commissioners asked about the status of the deferred designations in light of the House Bill 423. Mr. Bergman responded and discussed the three designated areas in Town covered by the new law. Town Attorney Randolph also weighed in on the issue.

Mr. Hodges asked the Commissioners to make a positive recommendation to the Town Council for the project designation matrix, which was presented earlier in the meeting.

Motion made by Ms. Coleman and seconded by Mr. Segraves to recommend adoption of the Project Designation Manual and Matrix to the Town Council. Motion carried unanimously, 6-0.

XII. NEXT MEETING DATE: Wednesday, July 20, 2022

XIII. ADJOURNMENT

Motion made by Mr. Segraves and seconded by Ms. Coleman to adjourn the meeting at 11:49 a.m. Motion carried unanimously, 6-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, July 20, 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 large, sweeping flourish at the end.

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>Segraves, Patrick</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks 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>June 22, 22</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 Segraves, hereby disclose that on June 22, 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 DHC Monterey LLC, 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:

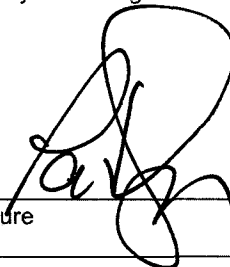
COA - 22-028
284 Monterey Road

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

6-22-22

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 Metzger, Anne		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 277 Esplanade Way		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 June 22, 2022		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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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.

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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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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Anne Metzger, hereby disclose that on June 22, 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, Palm Beach Day Academy, Inc. ;
- ☐ 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-22-026

241 Seaview Avenue

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.

June 22, 2022
Date Filed

Anne G. Metzger
Signature

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