



MINUTES
LANDMARK PRESERVATION COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH, FLORIDA

WEDNESDAY, JUNE 18, 2014, 09:30 a.m.

Please be advised that in keeping with a recent 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 or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

Note: Due to technical difficulties on this meeting date and despite the efforts of Information Systems staff, the agenda items are not time stamped.

I. CALL TO ORDER:

Chairman Cooley called the meeting to order at 9:30 a.m.

II. ROLL CALL:

William O. Cooley, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Edward Austin Cooney, Member	PRESENT
John T. Gannon, Member	PRESENT
Page Lee Hufty, Member	PRESENT
Rachel Lorentzen, Member	PRESENT
Richard Rene Silvin, Alternate Member	PRESENT
Carol N. Wyett, Alternate Member	PRESENT
William J. Strawbridge, Jr., Alternate Member	PRESENT

Staff members present: Veronica Close, Assistant Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Janet Murphy and Emily Stillings, Staff Historic Preservation Consultants, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. John C. Randolph, Town Attorney, was present for this meeting. John S. Page, Director of Planning, Zoning and Building was absent.

III. PLEDGE OF ALLEGIANCE:

IV. **APPROVAL OF THE MINUTES OF THE MAY 21, 2014 MEETING:**

Mr. Cooney requested that the minutes reflect, under Election of Officers, the actual vote count results of the paper ballots for Chairman.

MOTION BY MR. COONEY FOR APPROVAL OF THE MINUTES AS AMENDED.

MOTION SECONDED BY MR. GANNON.

MOTION CARRIED UNANIMOUSLY.

V. **APPROVAL OF THE AGENDA:**

MOTION BY MR. COONEY FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. GANNON.

MOTION CARRIED UNANIMOUSLY.

Ms. Close referenced the voting conflict which was filed last month by Mrs. Albarran for the project at 10 S. Lake Trail.

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

Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

VII. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):** None

VIII. **TOWN HALL SQUARE HISTORIC DISTRICT PROJECT:**

The Town Council has remanded this project, in full, back to the Landmarks Preservation Commission for action at the Monday, July 21, 2014 meeting. Staff will submit a new application and the project will be re-noticed for the Monday, July 21, 2014 meeting and will be heard at that time.

Mr. Cooley encouraged anyone who wants to speak relative to this matter to attend the July 21, 2014 meeting, and if they wish to make a presentation relative to this item, they should submit 14 sets of ledger sized documents to the Town at least one week prior to the meeting. He likewise encouraged LPC members to pick up their mini-sets at Town Hall on the Thursday or Friday prior to the meeting.

IX. **PUBLIC HEARINGS:**

A. **Application for Certificate of Appropriateness #020 - 2014**

Restoration, Rehabilitation, Reconstruction, Addition, Demolition, Color Change

Owner/Applicant: Charles M. and Deborah G. Royce LLC

Address: 10 South Lake Trail

Architect: Jacqueline Albarran, SKA Architect + Planner, Inc.

Project Description: Request approval for restoration, rehabilitation, reconstruction, addition to historic structure, interior and exterior demolition, and exterior color change which is further described as: One story addition to convert a one car garage to a two car garage and the storage room into a media room. Extension of the existing covered terrace with new pergola above. Replace all existing windows and doors to wood impact. Exterior wall color to be coral and windows to be celadon green. Replace green "S" tile roof elements with clay barrel tile. Other associated changes as presented. *Please be advised that this is a tax abatement project.*

Let the record show that this project represents a voting conflict for Mrs. Albarran. As such, Mr. Silvin will vote relative to this project.

Let the record show that this project was reviewed informally at the May meeting for an opinion relative to the variance. A motion carried that implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked property.

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

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran, SKA Architect + Planner, Inc.
OTHERS WHO TESTIFIED: Tom Little, Jupiter and Dr. Jane S. Day, PhD, former preservation consultant to the Town

Mrs. Albarran reported that the requested setback variance was approved by the Town Council. She presented the project in accordance with the submitted plans and as described above, in furtherance of her presentation last month. She explained that the garage addition at the south end of the home will now balance the house much better. Other project elements include: Re-do the original marquis; replace windows and doors with impact units, restoring to the original fenestration; and, expand the covered terrace with a pergola above. There are no changes to the landscape or hardscape at this time. On the Elmo projector, Mrs. Albarran presented wrought iron details for the front door and two small windows on the ground floor level.

Mr. Little, representing the neighbors to the south at 11 S. Lake Trail, inquired as to the height of the garage on the south side as it relates to the hedge. Mrs. Albarran responded that the hedge will completely cover the addition. There was a question relative to the east elevation and whether original plans were available for this property. Dr. Day testified that the original footprint of the house is shown on the 1919 Sanborn maps. She added that this is the only house in town by August Geiger, but no original plans are available.

MOTION BY MR. GANNON FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #022 - 2014

Pier Lights

Owner/Applicant: Edward J. Kelly Jr.

Address: 19 Golfview Road

Architect: Gramatan Corporation

Project Description: Request approval for addition of pier lights which is further described as: 19 Golfview Road is a smaller house designed in 1938 by Maurice Fatio. We are adding simple lanterns to the 8 piers at the vehicular and pedestrian entrances on Golfview and South County Road. The discrete lanterns were carefully selected to complement the simple architecture of the house. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by Mr. Cooley and Mrs. Wyett

ARCHITECTURAL PRESENTATION BY: Gerard Beekman, Gramatan Corporation

Mr. Beekman presented the project in accordance with the submitted plans and as described above for this pier light project. Mr. Beekman explained that of the fourteen (14) houses with piers on Golfview Road, only five (5) have pier lights. He listed those and showed photos of same. The residence at 19 Golfview Road was designed by Fatio in the Monterey style. It has three driveways and 8 piers. Simple box lanterns with a cupola in black metal are proposed.

Commission comments: Pier lights are far too large; what is wattage?; lanterns are elegant and add some scale to the piers; a smaller lantern would look silly; eight lanterns are too much for this small house; concern about high wattage on an otherwise tranquilly illuminated street; do you need all 8 of them?; lanterns usually are on a stand...too wide at the bottom...style of light looks like it was just put there; the size might be OK if it didn't sit so squarely on it; too many lights; the pedestrian gate should not have lanterns; the light needs to be less "clunky"; they are simple and elegant and match the house, but you don't need 8; why formalize the garage entrance or pedestrian entrance; you should not go above 60 watts...don't compete with the lanterns meant to mark the street; don't go brighter than other lanterns on the street; it's a small house and you really only need to light the entrance; the wattage is an issue; it's all a little bit too much; suggestion to eliminate the two lights facing County Road and the two on the walkway, and would like the lanterns to be more narrow; these fight with the lights on the posts...they should be more of a lantern style; cut the number to at least six (6); and, OK with the design of the lights, but decrease the number and wattage for more quiet elegance.

MOTION BY MR. ZUKOV TO DECREASE THE WATTAGE FROM 60 TO 40, ELIMINATE THE TWO ON COUNTY ROAD, AND THE TWO ON THE WALKWAY, AND APPROVE THE FOUR LIGHTS ON THE TWO DRIVEWAYS. (I.E., 1 LIGHT ON EACH OF THE 4 DRIVEWAY PIERS).

MOTION SECONDED BY MR. COONEY.

MOTION CARRIED UNANIMOUSLY UPON A ROLL CALL VOTE.

X. CONSIDER RECOMMENDING TO THE TOWN COUNCIL THAT THE MEMORIAL FOUNTAIN AND THE TOWN HALL SQUARE BE PLACED UNDER CONSIDERATION FOR THE NATIONAL REGISTER OF HISTORIC PLACES:

Mr. Cooley explained that he had asked that this item be placed on the agenda. He noted that an application for this designation has already been submitted by Orator Woodward, Town resident. Mr. Cooley recommended that the Town Council should review this and make a determination as to whether the Town should officially request that the property be placed on the National Register.

John Randolph, Town Attorney, offered his comments, especially to advise the new LPC members, a sampling of which follows: Concern that the LPC may be going beyond its jurisdiction with regard to this agenda item; the LPC sits in a quasi-judicial capacity to review Certificates of Appropriateness and to make recommendations to the Town Council relative to landmarking; a discussion relative to this subject would be more appropriate at the Town Council level; it is not a good idea for you (the LPC) to have this discussion today as to whether or not you, as the Landmarks Preservation Commission, think it should be placed on the National Register; don't go too far beyond what your ordinance talks about as to your duties.

Mr. Cooley responded that he believes that it is the duty of the LPC to recognize historic features and attributes of the Town; that the LPC can make a recommendation to the Town Council which the Town Council may support or reject; that Mr. Woodward has filed an application with the State of Florida

which was not done via the Town Council; and, that Mr. Cooley would like the LPC to go on record in support of a National Register designation and make that known to the Town Council.

(There was a question as to the application filed by Mr. Woodward. Janet Murphy, Staff Historic Preservation Consultant, clarified that National Register designations begin at the State level with subsequent recommendations to the National Register.)

Mr. Cooley's request and Mr. Randolph's response spurred quite a lengthy conversation about whether or not to proceed to make such a recommendation to the Town Council, with members weighing in on both sides of the issue, together with additional comments and advice from Mr. Randolph. Mr. Randolph advised that this should not be an opportunity to hear from the public as to how they feel about a National Register designation...that is for the Town Council to determine. It was suggested that timing is at issue, i.e., that the renovations and restoration included in the Town Hall Square Historic District project (to be reviewed by the LPC at the upcoming meeting of July 21, 2014), if approved, be completed prior to making a request for National Register designation. After much more discussion, the following motion was made:

MOTION BY MR. ZUKOV TO DISCUSS THIS ISSUE TODAY AT THE END OF THE AGENDA.

MOTION SECONDED BY CHAIRMAN COOLEY.

MOTION CARRIED 4-3, WITH MRS. ALBARRAN, MR. COONEY AND MR. GANNON OPPOSED.

The item will be discussed as Item XV.

XI. DISCUSSION OF FUTURE LANDMARKING:

Mr. Cooley recalled how much time and effort was spent in an attempt to landmark 337 Brazilian Avenue, which was recommended by the LPC, but ultimately turned down by the Town Council.

Emily Stillings, Staff Historic Preservation Consultant, stated that the designation season runs from November through April. She and Janet Murphy are seeking direction from the LPC as to how to proceed in the upcoming designation season.

Mr. Cooley proposed that the LPC consider (1) any specific commercial buildings in the old PUD-5 block, and (2) expand the Town Hall Square Historic District from Royal Palm Way to Worth Avenue. Other members offered their thoughts as to how to proceed and prioritize properties. Staff will re-send the current list of landmarked properties, Dr. Day's original list of 90 properties potentially eligible for local designation, and a list of the 35 properties remaining from that list.

XII. MEMBER ORIENTATION BY TOWN ATTORNEY, JOHN C. RANDOLPH:

Mr. Randolph distributed reference books to the members with regard to the various topics applicable to board/commission membership. He discussed the following topics: Specific code criteria regulating the actions of the LPC; Quasi-judicial hearings reviewing applications for Certificate of Appropriateness and making recommendations relative to designations; duty to apply the criteria of the code; conflicts of interest; prohibited conflicts of interest; Code of Ethics; Sunshine Law and repercussions of violation of same; Public Records Law and Town's procedure relative to board/commission e-mails; ex parte communications; gifts; more focus upon the ordinance criteria for Certificates of Appropriateness and for designation; and legal protections offered to the LPC and/or individual members.

Staff will provide copies of the ordinance criteria to the members for use at the meeting.

XIII. OTHER BUSINESS: None

XIV. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: None

XV. CONSIDER RECOMMENDING TO THE TOWN COUNCIL THAT THE MEMORIAL FOUNTAIN AND THE TOWN HALL SQUARE BE PLACED UNDER CONSIDERATION FOR THE NATIONAL REGISTER OF HISTORIC PLACES:

The discussion of whether to make such a recommendation commenced once more, and discussion resulted in the following motion:

MOTION BY MRS. LORENTZEN TO RECOMMEND TO THE TOWN COUNCIL, FOR THEIR CONSIDERATION, THAT THE MEMORIAL FOUNTAIN AND THE TOWN HALL SQUARE BE PLACED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

MOTION SECONDED BY MR. COOLEY.

MOTION FAILED, 2-5, WITH ONLY MRS. LORENTZEN AND MR. COOLEY SUPPORTING.

It should be noted that all members who voted against the motion did so because of "timing", i.e., wanting the Memorial Fountain and Plaza project to be approved and/or completed prior to placement on the National Register.

Let the record show that members were copied with a memorandum that Mr. Cooley had sent to the Mayor and Town Council in early June requesting that the Town Hall Square project be remanded back to the LPC. The project was remanded back to the LPC and will be heard on July 21, 2014.

There were beginnings of a discussion relative to how the Town Hall Square project should be presented on July 21, 2014, i.e., in segments, etc. Mr. Randolph cautioned that the LPC should not attempt to determine how the Town Council will present its application, and cautioned against further discussion of this matter which is scheduled for the July meeting. He added that the LPC may elect to break it into segments at the July meeting to enable logical consideration, but after all of the discussion, there will be a vote on the Certificate of Appropriateness as a whole.

Lory Volk offered some comments relative to the Town Hall Square District project, stating that this will be the first time that the LPC has seen a district redevelopment issue.

XVI. ADJOURNMENT:

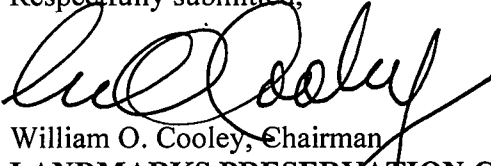
MOTION BY MR. COONEY TO ADJOURN THE MEETING AT 12:05 P.M.

MOTION SECONDED BY MR. GANNON.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on **MONDAY, JULY 21, 2014** at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road, Palm Beach, Florida.

Respectfully submitted,



William O. Cooley, Chairman

LANDMARKS PRESERVATION COMMISSION

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

LAST NAME—FIRST NAME—MIDDLE NAME ALBARRAN JACQUELINE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS 324 ROYAL PALM WAY # 227		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: TOWN
CITY PALM BEACH, FL	COUNTY PALM BEACH	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 6/18/14		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:

- 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, JACQUELINE ALBARRAN, hereby disclose that on 6/18, 2014:

(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:

Co A # 070-2014
10 S. LAKE TRAIL

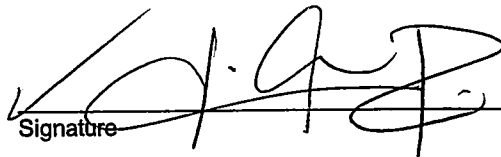
CONFLICT PREVIOUSLY DECLARED

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

6/18/14

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.