



TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, MARCH 20, 2024.

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 9:29 a.m.

II. ROLL CALL

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

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Abraham Fogel, Design and Preservation Planner
Kelly Churney, Acting Town Clerk
Janet Murphy, Preservation Consultant
Emily Stillings, Preservation Consultant
Town Attorney Lainey Francisco

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. ELECTION OF CHAIR

Ms. Albarran nominated Sue Patterson as Chair. Ms. Damgard seconded the nomination. There were no other nominations at this time.

A motion was made by Ms. Albarran and seconded by Ms. Damgard to accept the nomination of Sue Patterson as Chair of the Landmarks Preservation Commission. The motion was carried unanimously, 7-0.

V. ELECTION OF VICE-CHAIR

Ms. Albarran nominated Brittain Damgard as vice chair. Ms. Moran seconded the nomination. There were no other nominations at this time.

A motion was made by Ms. Albarran and seconded by Ms. Moran to accept the nomination of Brittain Damgard as Vice Chair of the Landmarks Preservation Commission. The motion was carried unanimously, 7-0.

VI. APPROVAL OF MINUTES

A. Minutes of the Landmarks Preservation Commission Meeting of February 21, 2024

A motion was made by Ms. Moran and was seconded by Ms. Albarran to approve the minutes of the February 21, 2024, meeting as presented. The motion was carried unanimously, 7-0.

VII. APPROVAL OF THE AGENDA

Ms. Mittner requested the following modifications to the agenda: The deferral of 376 S. County Road to the meeting on November 20, 2024, and the addition of two buildings for potential consideration of landmark status, which were 2850 S. Ocean Blvd. and 217 Peruvian Avenue.

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

VIII. 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.

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

No comments were heard at this time.

X. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

Ms. Fairfax stated that she recently received a list of all the landmarked properties in the Town, but she was unsure if it was the most recent list. Ms. Mittner said the list was recently updated and would be sent to all the Commissioners. Ms. Fairfax stated that she recently looked around the Town for potential landmarks. She discovered many homes that could be studied, with several multi-family homes that she believed were at risk of being re-developed.

Mr. Ives thought that much of the risk was due to the changes going on at the State level. Mr. Ives asked if there were any updates on the ongoing legislation. Ms. Mittner stated that the state passed legislation; however, it was not applicable to the town.

Ms. Fairfax thought it was important for everyone to understand House Bill 423, particularly homeowners who spend money on attorneys to fight landmark designation.

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

No comments were heard at this time.

XII. PROJECT REVIEW

A. DISCUSSION ITEMS

1. Discussion Regarding 70 Middle Road

Wayne Bergman, Director of Planning, Zoning and Building, provided an overview of ongoing projects at this residence. He discussed the ongoing issues, staff approvals, and numerous conversations with the owner.

Ms. Patterson called for public comment.

Craig Omtvedt, 79 Middle Road, thought the issues were related to a lack of standards for decorations on a property, a path moving forward when the construction permit expired, and a plan for the owner to get the project completed for herself as well as for the neighborhood.

Avie Glaser, 195 Via Marina, expressed concern for the conditions of the site, the ongoing construction, and the decorations on the home and fence. He asked the town to help bring the project to an end.

Laetitia Han, 61 Middle Road, expressed her frustrations with the condition of the property.

Jake Cochran, 20 Middle Road, thought the property had been like this for 15 years. He did not believe it was fair that he paid taxes and had to endure the conditions of the site.

Greg Young, on behalf of Peter Wood at 101 Via Marina, agreed with the comments from the neighbors. He also thanked Mr. Bergman for outlining the ongoing issues. He asked for the Town to manage the situation.

Ms. Damgard questioned the owner's plans for the property and understood the neighbors' concerns.

Ms. Moran wondered if the Town could create provisions for the adornment of fences. Town Attorney Joanne O'Connor stated she had been working with Mr. Bergman on the issue. Ms. O'Connor stated that they were reviewing many options, including ones related to construction screening.

Ms. Fairfax understood the mechanisms in place. She wondered what else the Commission could do in this situation. She asked if there was another person who could intervene in this situation.

Ms. Moran wondered if the Town could repair or take corrective action on items and send the bill to the homeowner. Town Attorney O'Connor stated that the Town could not take that action but could impose fines once changes are made to the Code.

Ms. Metzger wondered if anyone knew the owner who could speak to her.

Mr. Ives doubted there was enough time to finish the project by November 6, 2024. He stated that, at that time, the issue would become a Code Enforcement issue. He also thought this was a due process issue. He wondered if demolition by neglect could be applied in November. He also thought statues over 6 feet could be regulated by the Town. Mr. Ives thought the Commission should vote to accept Mr. Bergman's report.

Mr. Griswold agreed with his fellow Commissioners. He questioned the homeowner's good faith in repairing her home. He also thought realities were in the eye of the beholder and acknowledged that the owner's reality was significantly different from most residents.

Ms. Herzig-Desnick wondered if the owner had paid her tax bill.

A motion was made by Ms. Fairfax and seconded by Ms. Damgard to accept the report on 70 Middle Road from Wayne Bergman as presented. The motion was carried unanimously, 7-0.

B. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

1. **COA-23-003 (ZON-23-020) 139 N COUNTY RD—THE PARAMOUNT THEATER (COMBO)** The applicant, WEG Paramount LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of the renovation and adaptive re-use of an existing Landmarked theater structure, and the construction of four connected residences with ground floor retail components with two levels of subterranean parking to replace an existing surface parking lot, including multiple variances including setbacks, height, open space, mechanical equipment on roofs, to permit residential uses on the first level in the C-TS zoning district in lieu of the above the first-floor requirement, among others. A Tax Abatement application has been filed as part of the project. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the April 17, 2024, Landmarks Preservation Meeting pending Town Council approval.]*

Clerk's note: This project was deferred to the meeting on April 17, 2024, under Item VII., Approval of the Agenda.

C. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-24-010 350 WORTH AVE.** The applicant, Everglades Club Inc. (Scott Lese – General Manager), has filed an application requesting a Certificate of Appropriateness for the review and approval of the roof removal and replacement of an existing roof.

Mr. Fogel provided staff comments for this project.

Ex-parte communications were disclosed by Mr. Ives.

The architectural presentation for the landmarked building was made by Jason Drobot with Brasseur and Drobot Architects.

Mr. Ives asked if MurphyStillings had any updates on the tax abatement project. Ms. Stillings responded and reviewed the tax abatement project.

Mr. Griswold asked if the material for the roof was the same as the existing material. Mr. Drobot provided confirmation.

Ms. Fairfax wondered why the project was not approved by the staff. Ms. Stillings stated that since it was a tax abatement project, it must be approved by the Commission.

A motion was made by Ms. Damgard and seconded by Ms. Albarran to approve the project as presented. The motion was carried unanimously, 7-

0.

2. **COA-24-012 (ZON-24-055) 335 EL VEDADO RD – (COMBO)** The applicant, Diana Wister, has filed an application requesting a Certificate of Appropriateness for the review and approval for the demolition of an existing outdoor terrace for the addition of a one-story addition requires one (1) variance to reduce the rear yard setback. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by several members.

Attorney Maura Ziska provided an overview of the project, explained the variance, and advocated for a positive recommendation to the Town Council. Stephen Roy with Roy & Posey Architects made the architectural presentation for the residence.

Mr. Roy requested an additional change to the bay window on the south elevation; he showed an alternate rendering to the Commissioners.

Ms. Fairfax wondered if there was a landscape plan with the proposal. Mr. Roy stated there was no greenspace modification.

Ms. Albarran thought the proposed items were better than the existing conditions. She supported the project.

Ms. Fairfax asked about the circular window on the west façade; she expressed concern that it was not centered.

Ms. Moran liked the addition and thought the roof design had improved.

Ms. Patterson liked the previous bay window on the south elevation. She wondered if Mr. Roy could speak to his client about changing the bay to three windows but adding width, as she felt the proposed window was too tall and skinny. Mr. Roy agreed to do so. He asked if the window could be approved by the staff; the Commissioners agreed that the window could be approved by the staff.

A motion was made by Ms. Albarran and seconded by Ms. Moran to approve the project as presented, with the condition that the architect would restudy the bay window on the south elevation and return to the staff for approval of a wider three-bay window than the alternate elevation as shown. The motion was carried unanimously, 7-0.

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

D. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

1. **HSB-24-001 311 PENDLETON LN.** The applicant, Starr Haymes Kempin for Pendleton Lane Trust has filed an application requesting a Certificate of

Appropriateness review and approval for a modified front entry, addition of shutters, relocation of a few windows in addition to hardscape modifications changing the driveway and reducing the paver pool deck to an existing two-story historically significant building.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by several members.

Pat Segraves, with SKA Architect + Planner, provided an overview of the history of the project. The landscape/hardscape presentation for the site was made by Don Skowron with BGS Landscape Architecture & Engineering.

Mr. Segraves said the intent was to keep the driveway the exact same size and keep it green. The existing hedge did not meet the site triangle. He proposed keeping the existing hedge to minimize any change to the front yard. Mr. Skowron said that the applicant would need support from the Landmarks Preservation Commission (LPC) to keep the podocarpus hedge intact.

Ms. Damgard asked for clarification on the previous approval. Ms. Mittner responded.

Ms. Moran wondered if any treatment would be added to the wall on the right side of the home. Mr. Skowron stated it was an existing fence, not a wall.

Ms. Patterson called for public comment.

John Eubanks, an attorney for many of the neighbors on Pendleton Lane, objected to the circular driveway. He understood that the direction from the last meeting was for the owners to contact the neighbors to discuss a solution. He wondered if the approval of the circular driveway that occurred in 2023 could be opened with the proposed modifications. He stated that the neighbors were not in favor of the existing hedge as they felt it was out of place for the street.

Ms. Patterson asked staff about the notice given in 2023 and Town Attorney Francisco if the 2023 approval could be opened with the current application. Ms. Francisco asked Ms. Mittner to discuss the notice provided to the neighbors for both applications. Ms. Mittner restated the notice that was given for the 2023 approval and the building permit that had been issued for the changes.

Tom Hunt, 303 Pendleton Lane, objected to the new hedge that the owner had proposed. He thought the hedge created a dangerous situation for him when backing out of his driveway.

Ms. Mittner stated that the Commission could not exempt the safe site triangle requirement.

Mr. Segraves stated that the owner could proceed with the original approval issued in 2023. The owner was trying to be a good neighbor by saving the hedge.

Ms. Moran asked if the hedge was included in the previous approval. Mr. Skowron stated that the hedge was proposed to be removed in the 2023 approval. Ms. Moran was not in favor of the hedge.

Ms. Albarran agreed that the hedge was a problem for the neighbors, and it made the street feel smaller. She thought the additional green space in the front of the home was nice.

Mr. Segraves suggested that he withdraw the application and keep the original approval. Many of the Commissioners liked the addition of green space without hedges. A short discussion ensued on the direction of the project.

Mr. Seagraves asked if he could have a few minutes to consult with his clients.

Clerk's note: A short break was taken at 11:07 a.m. The meeting resumed at 11:11 a.m.

Mr. Skowron stated the owner would like to keep the green space as proposed. Mr. Skowron stated that the owner would adhere to removing the hedge but would like to keep the opening from the street to the front of the home.

Ms. Fairfax discussed the parking challenges on the street. She wondered if the walkway would prevent someone from parking in front of the walkway. Mr. Skowron stated the walkway would still allow parking in front of the space.

There was a discussion about creating a walkway from the home to the street.

Mr. Eubanks requested that the Commission not approve a new design without allowing the neighbors to see the changes.

Ms. Moran asked about the material for the pathway; she liked the idea of stepping stones.

Owner Jack Kempin stated he wanted the best option for the neighborhood and wanted it to be safer.

Owner Starr Kempin hoped they could have a cohesive relationship with the neighbors.

A motion was made by Ms. Albarran and seconded by Ms. Moran to approve the project as presented, with the conditions that the hedge at the front of the property is removed, with the shape of the driveway previously approved, with the additional green space proposed, and the proposed footpath from the street to the front of the house to return to the meeting on April 17, 2024, for approval. The motion was carried

unanimously, 7-0.

2. **HSB-23-007 124 PARC MONCEAU** The applicant, Parc Monceau Ltd (Peter Brooks, Representative), has filed an application requesting Landmarks Preservation Commission review and approval of a flood plain variance for improvements/rehabilitation of a designated historic building and approval for additions and renovations to an existing nonconforming historically significant building. *This project has been deferred to the April 17, 2024, Landmarks Preservation Commission meeting.*

Clerk's note: This project was deferred to the meeting on April 17, 2024, under Item VII., Approval of the Agenda.

E. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

1. **HSB-24-002 (ZON-24-040) 255 EL PUEBLO WAY (COMBO)** The applicant, 225 El Pueblo LLC (Maura Ziska, Authorized Representative), has filed an application requesting review and approval of a garage addition requiring one (1) variance to reduce the west side yard setback. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Ex-parte communications were disclosed by Mr. Ives.

Pat Segraves and Daniel Clavijo, with SKA Architect + Planner, provided an overview of the project and presented the architectural changes for the landmarked residence.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the one-car garage was a good compromise. It was set back from the street and retained the bay window. She initially saw the plan showing a two-car garage and did not believe that was appropriate.

Ms. Damgard was not in favor of the one-car garage so close to the street. Mr. Clavijo stated it was 40 feet away from the property line. He added they were initially proposing to step it back further but did not do so to retain the bay window. Mr. Segraves stated that the one-car garage was to balance out the design. Mr. Segraves stated that the current owners never had a garage with this home.

Mr. Ives expressed concern about the increase in size since this was a historically significant building.

Mr. Griswold asked about the material for the garage door. Mr. Segraves stated the material would be wood.

Ms. Moran thought that in keeping with the Secretary of Interior Standards, she could not support the project. She thought the garage negatively impacted the whole front scale of the home. She did not think the weight being added to the front of the home was being appreciated.

Mr. Wong thought two walls with a small gate would help the front elevation. He also thought three panels for the garage door would be a

positive change.

Mr. Ives suggested a separate garage, which could be a nice solution. There was some discussion about the idea of a separate garage.

Ms. Albarran thought the garage door needed to be smaller. She suggested deferring the project for a month.

A motion was made by Ms. Albarran and seconded by Ms. Fairfax to defer the project to the meeting on April 17, 2024. The motion was carried unanimously, 7-0.

2. **HSB-24-003 201 QUEENS LN.** The applicant, Cory Meyer with Nievera Williams Design on behalf of owners Jon and Liza Mauck, has filed an application requesting a Certificate of Appropriateness for the review and approval of a site wall on the west side of the property.

Ms. Mittner provided staff comments for this project.

Ex-parte communications were disclosed by several members.

The landscape/hardscape presentation for the site was made by Cory Meyer with Nievera Williams Design.

Ms. Damgard impressed the importance of neighbors getting along.

A motion was made by Ms. Moran and was seconded by Ms. Albarran to approve the project as presented, with the condition that the hedge shall be replaced on the owner's side as well as the neighbor's side of the property. The motion was carried unanimously, 7-0.

XIII. DESIGNATION HEARINGS

The following two items were additions to the agenda:

Consideration of 2850 S. Ocean Blvd.

Ms. Mittner stated that the Town had received a letter from the owners requesting that the building be considered for landmark status.

Ms. Murphy provided an overview of the building and a history of the property. She encouraged the commission to place this property under consideration.

A motion was made by Ms. Damgard and seconded by Ms. Albarran to place 2850 S. Ocean Blvd. under consideration for landmark designation. The motion was carried unanimously, 7-0. Clerk's note: Ms. Metzger voted in place of Ms. Fairfax as she had stepped out of the room during this item.

Ms. Moran inquired what would happen if the building was landmarked and then realized that many costly improvements needed to be made. Ms. Murphy thought that they had been making improvements to the building.

Consideration of 217 Peruvian Avenue

Ms. Murphy provided an overview of the building and a history of the property. This request was initiated by the property owner.

Mr. Griswold had some concerns about landmarking the building. He did not think it was quite worthy of a landmarked status.

Ms. Fairfax agreed with Mr. Griswold. She felt that resources needed to be judiciously allocated. She thought this building was charming but not worthy of being a landmark.

Ms. Hertzog-Desnick did not feel like enough information had been provided.

Ms. Albarran agreed with Ms. Fairfax and Mr. Ives and was not in favor of studying the building. Mr. Ives agreed.

Mr. Griswold acknowledged that the owner brought it forward for consideration. However, he felt he would not seek to study this property without the suggestion of the owner. Ms. Patterson agreed.

A motion was made by Ms. Fairfax and seconded by Ms. Moran not to place 217 Peruvian Avenue under consideration for landmark designation. The motion was carried 6-1, with Ms. Damgard dissenting.

Ms. Churney noted that Ms. Fairfax had a conflict of interest with the property at 2850 S. Ocean Blvd. Ms. Fairfax discussed her conflict of interest and stated she left the room during the discussion.

ITEM 1: 246 Atlantic Avenue

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

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history of this Moderne-style building, known as The Leonardo. 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,

Sect. 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. Mittner provided confirmation.

A motion was made by Ms. Moran and was seconded by Ms. Damgard to make the designation report for 246 Atlantic Avenue part of the record. The motion was carried unanimously, 7-0.

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

Oliver Grace, 270 Algoma Rd., stated that his home was landmarked. He spoke about his

home and other landmark properties that he owns in town. Mr. Grace said the evolution of the street had included multi-family buildings being demolished for the construction of single-family residences. He expressed concern about the subject property because it was surrounded by three buildings that were built on higher elevations. Those buildings' drainage pipes flowed into his lot, making it necessary to always run a sump pump underneath the buildings. He said the building had been modified adversely, placing window air conditioning units into the walls. He opposed the landmarking of property at 246 Atlantic Avenue.

Wes Blackman, a planner hired by Mr. Grace, shared his history and knowledge of the building. He opined that after reading the designation report for the property located at 246 Atlantic, he found that it was not a good example of Art Moderne. He referenced "A Field Guide to American Houses," where certain modernistic styles were identified. He demonstrated that the subject property did not meet the description of a Moderne style and shared features that were not in line with the style. He indicated that the roof was a low-pitched hip roof, and the front, public-facing northern façade was not asymmetrical, which was an identifying feature of the Art Moderne style. He said there were no port-hole windows, which was another variant of the style. The conclusion was that this property was not a high-quality Art Moderne building; instead, it was a traditional-style four-unit apartment building that was built in 1951. He stated that in December 2020, the timespan identified on a Town of Palm Beach Historic Site survey prepared by Environment Services Inc. (ESI) for the Art Deco Moderne style was 1920-1940. This structure was identified as a Mid-Century Modern in appendix "A" of the same historic site survey. It was also identified as Mid-Century Modern on the latest master site file.

Jennifer Borg, 251 Atlantic Avenue, objected to the designation. She stated that several of the neighbors also objected to the designation. She stated the following people objected to the landmark designation:

Peter Kaupe, 266 Atlantic Avenue
Stephen & Suzanne Canton, 240 Atlantic Avenue
Gregory & Jessica Englesbe, 254 Atlantic Avenue
Virginia Dadey, 267 Atlantic Avenue
Julian & Christy Bharti, 245 Atlantic Avenue

Ms. Borg was a member of the Palm Beach Historic Preservation Foundation. She shared her history in the Town of Palm Beach. She noted again that she believed the subject building was transitional. She said the few Art Moderne homes in Palm Beach that had been landmarked were constructed after World War I. This building was constructed after World War II. She stated that the purpose of the Landmarks Manual and the Town Code was to protect the town's most significant architectural achievements and designate the worthiest landmarks. She submitted that the subject building was neither. She urged the commission to deny the request for designation.

Aimee Sunny, Preservation Foundation of Palm Beach, provided some clarity about a letter referred to in previous comments. She provided that the date of construction for the building was in 1951, as stated on the building permits. The later report prepared by ESI, Inc. contained data from the property appraiser's website rather than the building permit records. She spoke about the architectural style and concurred that it was an Art Moderne style building, not Mid-Century Modern. Ms. Sunny stated that Arthur LeBaron Weeks was an

accomplished architect, and she was familiar with his local work. She said his buildings had a similar scale, design style, and characteristics. Ms. Sunny read a comment from Katie Jacob, author of The Moderne Exhibit at the Preservation Foundation. She shared an image that had been included in the exhibit, which was like the building being considered.

Clerk's note: At this time, Ms. Albarran declared a conflict of interest with the proposed designation and left the dais during the discussion.

Ms. Stillings shared some information in response to the public comments.

Mr. Wong found the building to be endearing. He thought adding some color would enhance the building.

Mr. Ives did not see the issue concerning the style of the building. He also thought the architect of the building was known. He supported the designation report and thought this building represented an area in the Town during that time. He thought the building was a nice style example and supported the proposed designation.

Ms. Moran agreed with Mr. Ives. She appreciated the comments from everyone who spoke about the designation. She still questioned the style but agreed that the style represented a time in the Town.

Ms. Fairfax thanked Ms. Sunny and Mittner for clarifying the issues. She spoke in favor of having mixed-use buildings on the street. She discussed the façade easement program, which was available to the owner.

Ms. Herzig-Desnick wondered if it would be possible to landmark the front of the building only, not the rear of the building. Ms. Stillings responded that when assigning a landmark designation, it was the property being designated.

A motion was made by Ms. Moran and was seconded by Ms. Herzig-Desnick to recommend 246 Atlantic Avenue 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 acknowledgment of owner's opposition of the designation. The motion was carried 6-1, with Ms. Metzger dissenting.

ITEM 2: 376 South County Road - The Church Mouse

Clerk's note: This project was deferred to the meeting on November 20, 2024, under Item VII., Approval of the Agenda.

XIV. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

No one introduced any items to be discussed at this time.

XV. NEXT MEETING DATE: Wednesday, April 17, 2024

XVI. ADJOURNMENT

A motion was made by Ms. Moran and was seconded by Mr. Griswold to adjourn the meeting at 1:04 p.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, April 17, 2024, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

A handwritten signature in dark 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>Alharran, Jacqueline</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>324 Royal Palm Way #227</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>March 20, 2024</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, Jacqueline Albarran, hereby disclose that on March 20, 20 24:

(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 OLIVER GRACE, 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:

Landmark Designation Hearing
of 246 Atlantic Avenue

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.

March 20, 2024
Date Filed


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 <i>Fairfax Anne</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>455 Worth Ave. # 303</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>March 20, 2024</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, Anne Fairfax, hereby disclose that on March 20, 20 24:

(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:

2850 S. Ocean Blvd.

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

3/20/2024

Signature

Anne Fairfax

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.