



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

WEDNESDAY, FEBRUARY 20, 2013, 9:30 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.

I. CALL TO ORDER: (9:30:59 a.m.)

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

II. ROLL CALL: (9:31:09 a.m.)

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
Dudley L. Moore, Jr., Member	ABSENT (unexcused)
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Leslie Diver, Member	PRESENT
Elizabeth S. Murphy, Member	PRESENT
Jorge Sanchez, Alternate Member	PRESENT
Elizabeth "Libby" Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Landmarks Preservation Commission

Let the record show that Mr. Sanchez was a voting member due to Mr. Moore's absence; that is, until the point that Mr. Sanchez resigned from the commission (see later in these minutes). After that point, Ms. Marshall served as a voting member.

III. APPROVAL OF THE MINUTES OF THE JANUARY 16, 2013 MEETING: (9:31:30 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. SANCHEZ.
MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF THE AGENDA: (9:32:10 a.m.)

MOTION BY MR. SANCHEZ FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

V. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:32:19 a.m.)

Mrs. Delp administered the oath at this time to all those who wished to testify.

VI. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (9:32:34 a.m.)

Orator Woodward, resident, presented a proposal related to the Memorial Fountain. He supported restoration of the existing fountain together with a new landscape plan, some of which (landscaping) he offered to fund. He maintained that this area needs to become a people-friendly park with shade trees, flowering bushes and the sound of running water. Mr. Cooney clarified the parameters of today's discussions relative to the fountain, and members expressed their thanks to Mr. Woodward for taking such an interest in the project.

Mr. Page mentioned the January voting conflicts filed by Mrs. Albarran, Mr. Sanchez and Ms. Marshall.

Anita Seltzer, 44 Cocanut Row, questioned the already approved January 16, 2013 minutes, specifically, the validity of the following sentences of Page 3 of those minutes (as called out on the highlighted copy of Page 3 of those minutes submitted by Ms. Seltzer):

- (1) "Mr. Spina addressed specific items which were to be re-studied as of the last meeting;"
- (2) "Secondly, graphic inaccuracies noted last month were corrected;" and,
- (3) "There was also discussion relative to the proposed addition of a fifth French door planned for the curved wall."

Ms. Seltzer's verbatim comments: "I want to compare that to the revisions that were submitted by the applicant for Sterling, Certificate of Appropriateness #23-2012, specifically, the minutes state that "Mr. Spina addressed specific items that were to be restudied after the last meeting" and "Secondly, graphic inaccuracies noted last month were corrected." In his submission, the revised submission, the architect specifically states that issues from the December Landmarks meeting included floor plans and elevations at the curved wall, and I want to call your attention to the fact that the drawings that were shown to you in December with regard to the curvilinear wall were not corrected between December and January...that specifically the proportions of the wall were not corrected, and that a full pictorial rendition of the curvilinear wall was not ever shown to this commission, #1. #2, there is also a memorandum that was submitted by the Director of Planning, Zoning & Building which gave a chronology of what happened for that certificate of appropriateness, and specifically stating that the case was first heard by the Commission on December 19th, 2012, which is clearly not true, and also that the architect presented architectural changes and that the graphic inconsistencies noted at the time of the deferral had been corrected, and this was just not the case. So, I know that an appeal was filed, and a decision was rendered, however, to maintain the integrity of your minutes and the work that you do, which I am, and have always been respectful of, I would at least like to enter my comments into the record and I am submitting the documentation to the recording clerk." (Note: That documentation includes several plan sheets, the highlighted Page 3 of the minutes and the aforementioned memorandum from Mr. Page.)

MOTION BY MS. DIVER TO RECONSIDER THE JANUARY MINUTES.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED 5-2, WITH MESSRS. FELDKAMP AND STRAWBRIDGE OPPOSED.

MOTION BY MS. DIVER TO DEFER APPROVAL OF THE JANUARY MINUTES TO THE MARCH MEETING TO HAVE TIME TO CONSIDER THE COMMENTS WE JUST HEARD FROM THE PUBLIC.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

VII. INFORMAL REVIEW: MEMORIAL FOUNTAIN, SOUTH COUNTY ROAD: (9:45:21 a.m.)

Discussion to determine course of action for restoration or reconstruction

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

RESIGNATION OF JORGE SANCHEZ: During disclosure of ex parte communication, Mr. Sanchez read a statement in which he tendered his immediate resignation from the Landmarks Preservation Commission due to the current code provisions relative to conflicts of interest. This prompted Chairman Cooney and other members to state their regret to lose Mr. Sanchez and to ask for the code to be amended. Mrs. Albarran and Ms. Fairfax commented that they, too, may be forced to resign because of this code provision. Mr. Page responded that he will bring this matter to the attention of the Town Council as soon as possible.

MEMORIAL FOUNTAIN PRESENTATION BY: Thomas G. Bradford, Deputy Town Manager
OTHERS WHO TESTIFIED: Jorge Sanchez, Sanchez & Maddux, Rick Herpel, Contractor

Mr. Bradford provided the history and background relative to this project. He explained that in 2012, it was suggested to the Town Council by the Centennial Commission that a Legacy Project be undertaken incorporating the green space to the north of Town Hall, the Mizner Fountain, the Memorial Park, and different elements throughout the Town Hall Square Historic District. The Town Council agreed to the project. Bridges Marsh & Associates prepared a planning study for the areas in question. With regard to the fountain itself, Bridges Marsh hired an independent firm by the name of Conservation Solutions Inc. to analyze the condition of the fountain and recommend a methodology to be employed to address those conditions.

Mark Marsh introduced other members of the team: Jorge Sanchez, and Brian Vertesch, Sanchez & Maddux, and members of the Centennial Committee, Bill Bone and Bill Metzger. Mr. Marsh had previously submitted the report produced by Conservation Solutions Inc. to the Town and that had been e-mailed to the members in advance of this meeting. Mr. Marsh stated that after review of the report and discussion with other Town experts like Dr. Jane Day, the recommended approach is reconstruction or replication though reconstruction. Both the Preservation Foundation and the Garden Club are in support of reconstruction, per Mr. Marsh. He discussed the deterioration found on the fountain elements, and showed some photos of same. Jorge Sanchez commented that while he is a conservationist, sometimes reconstruction is warranted, and he cited several well-known examples of same. Rick Herpel, Herpel Inc., testified that he has been involved with the fountain since 1975, when it was in even worse condition than it is now because some amount of repair had been done since then. He stated that there are enough pieces available and intact to allow for an accurate reconstruction, i.e., the scale and proportion will be identical.

Members offered their comments which were largely in support of the reconstruction. Janet Murphy, Staff Historic Preservation Consultant, testified that reconstruction is part of the Landmarks ordinance, and as such, can be approved by the LPC. It is important, for the future, that it be known as a re-creation rather than as original.

MOTION BY MR. FELDKAMP RECOMMENDING TO THE TOWN COUNCIL THAT THE LANDMARKS PRESERVATION COMMISSION APPROVES OF THE DIRECTION PRESENTED TO US TODAY.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

VIII. PUBLIC HEARINGS: (10:23:08 a.m.)

A. Application for Certificate of Appropriateness #003-2013 (formerly CoA#038-2012)
Rehabilitation

Owner/Applicant: Bethesda-By-The-Sea Episcopal Church

Address: 141 South County Road

Architect: Lewis & Associates

Project Description: Renovation of the "Tea House" by enclosing it with a new moveable glass wall system; installation of fixed glass in south arched openings and gable ends; installation of air conditioning; installation of new handicap ramp; other associated changes as presented

Please note that this project had originally been on the November 2012 agenda, but the project was not heard at that time because it had been determined that Town Council approvals were necessary. At that time, the project was deferred from the November 2012 meeting to the January LPC meeting. At the January meeting, a motion carried to defer the project with the proviso that the applicant comes back and explores other solutions for this space including placing the ramp at the rear, and some invisible way of cooling the space, either with air conditioning from the top or roll down screen, or something, so when you walk in there, and you walk around, you cannot see the solution that you will implement when you need to...in other words, you don't have to look at nana doors hiding behind the corner.

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

Let the record show that Ms. Marshall recused herself as she had previously declared a voting conflict for this project. Ms. Fairfax will be a voting member for review of this project.

ARCHITECTURAL PRESENTATION BY: Greg Lewis, Conkling & Lewis

ATTORNEY PRESENT: Peter S. Broberg, Attorney for the applicant

OTHERS WHO TESTIFIED: Reverend James R. Harlan, Rector, Page Lee Hufty, 340 Island Road, and Sharon Baldry, Lake Worth.

Mr. Broberg stated that the applicant listened to the concerns of the LPC as expressed last month and has revised the plans in response to those comments. He stressed the fact that meeting space at the church is in great demand as many groups utilize the church for meetings. Greg Lewis, instead of the original nana wall system, presented thin-lite French doors which fold back against themselves and tuck behind columns. The railings on the ADA ramp have been simplified. Mr. Feldkamp took issue to the ramp being referred to as the "ADA" ramp, and questioned Mr. Lewis in that regard. He responded that the ramp is not an ADA requirement, but the church has always, during renovations, made church property as accessible as possible. Rector Harlan stated that there is a church mandate to follow ADA requirements whenever possible as a moral and ethical obligation. Continuing with the presentation, Mr. Lewis stated that the doors hang on a very thin metal frame, (sample shown). Mrs. Albarran noted that the floor plan was not drawn correctly to accommodate the folding of the doors as presented.

Mr. Strawbridge stressed the importance of protecting the unobstructed relationship of the tea house with nature, and advocated for an "invisible" solution. Rector Harlan again stressed the need for more meeting space which is both habitable and accessible.

Mr. Lindgren read five (5) pieces of correspondence into the record, all objecting to the enclosure of the tea house: E-mail from Ann Blades, letter from Ms. Baldry, letter from Ms. Murdock, letter from Ms. Millo, and letter from Ms. Caruso.

Page Lee Hufty, 340 Island Road, stated that she is a long-time resident and member of the church's congregation, and fully supports the proposal to enclose the tea house.

Mr. Cooney was pleased with the change to bi-fold French doors, recognized the need for the ramp, and was also pleased with the simplified ramp handrail. He inquired as to whether this change could be undone. Mr. Lewis testified that there will be no track on the floor and the doors could easily be removed in the future if necessary. He added that the air conditioning will be placed on both sides of the tea house, in the work areas, with no exposed ductwork in the vaulted ceilings.

Other commission comments: Sympathize with the needs of the church, but this is not the space to be enclosed; by enclosing the space, the assembly space will be almost unusable unless the doors are closed; we have a mandate to protect historic properties; there is opposition to the project as evidenced by the letters read into the record; a great mistake; roll down screens and a metal removable ramp would be better; could not vote for it as is; what you are proposing negatively impacts the property; look for a less drastic solution; there are ways of doing it without enclosing it; these doors will be very visible; it will totally change this beautiful historic structure; measured change is a good thing; supports the ramp; explore more solutions for climate control; overall in support of the project; and, look for an invisible solution with a temporary ramp.

Mr. Broberg attempted to diminish the importance five (5) letters of objection when there are 900 families who are members of the church. In addition, the Rector and the church board unanimously support the project.

Sharon Baldry offered her comments in opposition to the proposal.

Emily Stillings, Staff Historic Preservation Consultant, commented that the new proposal is a better solution and can be removed in the future. It is also similar to other loggias which have been approved for enclosure by the LPC.

MOTION BY MR. FELDKAMP THAT THE LPC RECOMMEND TO THE TOWN COUNCIL THAT THE APPLICATION BE DENIED.

MOTION SECONDED BY MS. FAIRFAX.

Mr. Lindgren noted that no recommendation to the Town Council is necessary.

MOTION AMENDED BY MR. FELDKAMP RECOMMENDING DENIAL BECAUSE THE PROJECT, AS PRESENTED, WOULD AFFECT THE HISTORICAL VALUE OF THE PROPERTY NEGATIVELY.

MS. FAIRFAX SECONDED THE AMENDED MOTION.

MOTION CARRIED 5-2, WITH MR. COONEY AND MS. MURPHY OPPOSED.

Let the record show that there was a short recess at 11:17 a.m. The meeting resumed at 11:24 a.m.

B. Application for Certificate of Appropriateness #005-2013

Signage

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: The Society of the Four Arts, Inc.

Address: 240 Cocoanut Row

Architect: Glidden Spina & Partners

Project Description: Request approval for sign which is further described as: Request approval of exterior signage as follows: East Elevation Entry: "The Society of the Four Arts Fitz Eugene Education Building", North Elevation Entry: "The Society of the Four Arts" "Donor Name Playhouse"; and Southwest Elevation Entry: "Fitz Eugene Dixon Education Building". Other associated changes as presented.

This project had been reviewed informally at the January meeting for a recommendation relative to the variance.

Please note that there was no call for disclosure of ex parte communication on this project

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

Mr. Spina stated that the recommendation made by the LPC last month to modify the size of the letters for the east signage was incorporated into the plans and the project received variance approval from the Town Council. He gave a very brief overview of the project.

Let the record show that Mr. Strawbridge was not present for this project review, so Ms. Marshall and Ms. Fairfax were voting members for this project.

**MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #006-2013

Landscape/Hardscape

Owner: 456 WA, LLC

Applicant: Keith Williams

Address: 456 Worth Avenue

Architect: Nievera Williams Design

Project Description: Request approval for landscape/hardscape which is further described as: Proposed new entry courtyard and wall configuration, new generator location and enclosure with planting modifications. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by Messrs. Cooney and Feldkamp

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design
OTHERS WHO TESTIFIED: Harm Chutte, representative from 450 Worth Avenue

Mr. Williams stated that the landscape/hardscape had been previously presented for this property, but modifications to that approval are being presented today for the front of the property because a generator needs to be located out of the setback. A location was chosen on the north end of the property to the side of the courtyard. The generator will be enclosed by a wall (coral fountain on

the wall), and landscaping will surround the wall. He also presented a second fountain, with a swan in the middle, on axis with the loggia.

Mr. Williams asked for feedback on a driveway gate and pedestrian gate design. The commission was not pleased with the design shown and asked Mr. Williams to search historic photos for a more appropriate design. Some members took issue with unnecessary landscaping in the area of the generator.

Harm Chutte, representing Mr. Price, the owner of 450 Worth Avenue, expressed Mr. Price's objection to positioning the generator on the east side of the property. Mr. Williams stated he will be happy to meet with Mr. Price to attempt to address his concerns.

MOTION BY MR. STRAWBRIDGE FOR APPROVAL OF THE PLAN, AS PRESENTED, WITH THE FOLLOWING EXCEPTIONS...(1) THAT THE ENTRANCE GATE BE SIMPLIFIED TO TAKE AWAY ITS FRENCHY LOOK AND RETURN IT TO A MORE SIMPLE MEDITERRANEAN LOOK.

Mr. Lindgren interrupted the motion to clarify that the gate was not submitted for approval today as a variance is required. It was just shown to prompt feedback from the commission.

MOTION RE-STATED BY MR. STRAWBRIDGE FOR APPROVAL AS PRESENTED, WITH THE EXCEPTION THAT THE LANDSCAPING AROUND AND IN FRONT OF THE GENERATOR AREA, BETWEEN THE BUILDING AND THE GENERATOR, BE REMOVED SO THAT IT IS OPENED UP AGAIN AND NOT SHUT DOWN.

MOTION WITHDRAWN BY MR. STRAWBRIDGE.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #006-2013 AS PRESENTED.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED 6-1, WITH MR. COONEY OPPOSED.

D. Application for Certificate of Appropriateness #007-2013
Rehabilitation

Owner: Sterling Palm Beach LLC/Sidney Spiegel, Trustee

Applicant: Sterling Palm Beach LLC

Address: 340 Royal Poinciana Way, Ste. 325C

Architect: Glidden Spina & Partners

Project Description: Request approval for rehabilitation, interior and exterior demolition which is further described as: Suite 325C: Create a new entry accessed from the south parking lot for the proposed space. Replace the existing storefront within the masonry opening with a new aluminum storefront system that includes a double door and one fixed glass panel on both sides of the door. The door will be centered in the masonry opening and the fixed panels will be identical widths. Other associated changes as presented.

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

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

Mr. Page commented relative to an e-mail received from Lory Volk prior to the meeting relative to the completeness of this application. He stated that he has discussed this matter with other staff

members and the Town Attorney. The Town Attorney has confirmed that staff determines whether any given application is complete. Mr. Lindgren offered his comments relative to this subject as well. Staff believes that this application is complete. Mr. Cooney added that it is also up to the LPC to decide if there are enough substantive materials before them to make a reasonable decision.

Mr. Spina also offered his comments relative to the completeness of his application, noting that he had ultimately submitted more information for this project than was absolutely necessary. Then with regard to review of this project, he presented the storefront proposal in accordance with the submitted plans and as described above, also showing original Volk drawings.

MOTION BY MR. FELDKAMP FOR APPROVAL AS SUBMITTED.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #009-2013

Rehabilitation

Owner: Sterling Palm Beach LLC/Sidney Spiegel, Trustee

Applicant: Sterling Palm Beach LLC

Address: 340 Royal Poinciana Way, Suite 325D

Architect: Glidden Spina & Partners

Project Description: Request approval for rehabilitation, interior and exterior demolition which is further described as: Suite 325D: Create a new entry accessed from the covered walkway that faces the interior courtyard. Replace the existing storefront opening within the masonry opening with a new aluminum storefront system that consists of a single entry door and one fixed panel on both sides of the door. The door will be centered in the masonry opening and the fixed panels will be identical widths. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spins & Partners

OTHERS WHO TESTIFIED: Anita Seltzer

Mr. Spina presented the storefront proposal in accordance with the submitted plans and as described above.

Anita Seltzer, Coconut Row, asked that the record show that there was no request for public comment prior to the vote on the last item. She stressed the importance of applicants meeting submission requirements prior to an application being placed on the agenda, and made additional comments regarding the completeness of this particular application.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

IX. OTHER BUSINESS: (12:04:47 a.m.)

A. Informal Review: 330 Island Road

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Project Description: Request approval for addition to historic structure which is further described as: One-story, one-car automobile garage addition of approximately 324 sq. ft. adjacent to location of existing one-car automobile garage. Materials, details, colors and textures to match existing. *Please note that this is a tax abatement project.*

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, The Pandula Architects

ATTORNEY PRESENT: Maura Ziska, on behalf of the property owner

OTHERS WHO TESTIFIED: Page Lee Hufty, neighbor

Ms. Ziska addressed the variance request related to the east side setback. Mr. Pandula explained that plans for this house had been previously approved by the LPC and work is ongoing. He took this opportunity to update the LPC relative to the deterioration which had been encountered during construction and that which was visible when the house was raised up. He presented the project for an additional one car garage at the east end of the house in accordance with the submitted plans and as described above. This will result in a two-car front loading garage.

Some members commented that the house is becoming so long, but they appreciated the need for a second garage.

Page Lee Hufty, 340 Island Road and former resident at 330 Island Road, also commented relative to the expansion of this house; the slow pace of construction; and her concerns relative to conditions at the property. She mentioned the wall between the two properties, stating that the issuance of the demolition permit was conditioned on certain factors related to the wall. She was displeased that the wall stopped 35 ft. short of the north property line. Mr. Pandula responded to Ms. Hufty's complaint regarding the wall, and pledged to work with her to resolve the matter. It was noted that the other affected neighbor supports the project provided the hedges between the properties are higher.

MOTION BY MRS. ALBARRAN THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

X. DESIGNATION HEARINGS:(12:32:59 a.m.)

Item 1: 319 El Vedado Road

Owner: Virginia L. Mortara

Emily Stillings, Staff Historic Preservation Consultant, testified to the architecture, history, and architect for this 1940 Clarence Mack designed residence in the Neo-Classical Revival style. She testified that this property meets the following criteria for landmark designation:

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

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

MOTION BY MR. FELDKAMP THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

Chairman Cooney thanked Ms. Mortara, the property owner, for supporting the designation, for saving this house when it had been marketed in the past as a "tear down", and for being present today.

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this hearing.

MOTION BY MR. FELDKAMP THAT THE PROPERTY AT 319 EL VEDADO ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK IN THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE

PART OF THE RECORD.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

Item 2: 125 Root Trail

Owner: Peter K. Coleman

The commission recognized Mr. Coleman who was present in the audience.

Janet Murphy, Staff Historic Preservation Consultant, testified to the architecture, history, and architect relative to this two-story 1919 frame vernacular residence. She testified that this property meets the following criteria for landmark designation:

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

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

Mrs. Delp verified proof of publication and proper legal service with regard to this hearing.

MOTION BY MR. FELDKAMP THAT THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. FELDKAMP THAT 125 ROOT TRAIL BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

XI. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (12:44:55 a.m.)

Mr. Page reported that three (3) separate appeals had been filed relative to the Del Frisco's application at Royal Poinciana Plaza, following the LPC's action last month. The Town Council heard two of the three appeals. It was determined that one of the appealing parties did not have standing. Mr. Page outlined the basis of the appellants' objections. After hearing all the testimony, the Town Council determined that the LPC has the authority to make changes to a project at a meeting and that proper notice was given. Ultimately, the Town Council denied the appeals that were filed, upholding the LPC's decision.

Another appeal for the Brown Harris Stevens location at Royal Poinciana Plaza was withdrawn.

XII. ADJOURNMENT:

The meeting adjourned at 12:48 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 20, 2013 at 9:30 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Edward Austin Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

cmd

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

LAST NAME—FIRST NAME—MIDDLE NAME Marshall Elizabeth Libby		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 273 Bahama Lane		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY Town	
CITY Palm Beach	COUNTY FL	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 2/20/13		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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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 otherwise may participate 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 other side)

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, Elizabeth 'Libby' Marshall, hereby disclose that on February 20, 20 13.

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Lewis and Associates;
- ☐ 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 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:

Architect is my Landlord.

CoA-003-2013 ¹⁴¹~~241~~ S. County
(continuing conflict)

Date Filed

2/20/13

Elizabeth B. Marshall
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.