



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, MAY 22, 2019.

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

Chairman Cooney called the meeting to order at 9:34 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
Richard Rene Silvin, Vice Chairman	ABSENT (unexcused)
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Kim Coleman, Member	PRESENT
Sue Patterson, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Marcia M. Cini, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator
Josh Martin, Director of Planning, Zoning and Building
Kelly Churney, Secretary to the Landmarks Preservation Commission
Emily Stillings, Preservation Consultant for the Town of Palm Beach
Janet Murphy, Preservation Consultant for the Town of Palm Beach

Please note: It was noted that Ms. Metzger would be voting in the absence of Mr. Silvin.

III. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE APRIL 17, 2019 MEETING

Motion made by Ms. Albarran and seconded by Mr. Gannon to approve the minutes of the April 17, 2019 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Cooney asked the Commission to defer the project COA-041-2018, 241 Seaview Avenue to the July 17, 2019 meeting.

Motion made by Ms. Albarran and seconded by Ms. Coleman to approve the agenda as amended. Motion carried unanimously.

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

Ms. Churney 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):**

Anita Seltzer, 44 Cocoanut Row, spoke about the importance of the Landmark Preservation program, the non-designation for 145 Seaspray Avenue and urged the Commission to continue in their mission of preservation.

Mr. Cooney welcomed Fernando Wong as the newest alternate member to the Landmark Preservation Commission.

VIII. **PUBLIC HEARINGS**

1. Application for Certificate of Appropriateness #041-2018

LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) - Done
9/21/18

Address: 241 Seaview Avenue

Owner/Applicant: Palm Beach Day Academy, Inc.

Professional: Nievera Williams Design

Project Description: Addition of paved parking lot, landscape improvements and drainage improvements.

Project History:

October 2018 – Deferred to the November meeting at the request of the attorney.

November 2018 – Deferred to the December meeting at the request of the attorney.

December 2018 – Deferred to the January meeting at the request of the Staff.

January 2019 – Deferred to the February meeting at the request of the Staff.

February 2019 – Deferred to the April meeting at the request of the Attorney.

April 2019 – Deferred to the May meeting at the request of the Attorney.

Please note: This project was deferred with the Approval of the Agenda, Item V.

2. Application for Certificate of Appropriateness #043-2018

Address: 89 Middle Rd.

Owner/Applicant: Mora Middle Invs LLC

Professional: Rafael Portuondo/ Jose Luis Gonzalez-Perotti

Project Description: **Initial project description** - Modifications to previously approved project to include minor aesthetic elements (including exterior railing design, cast stone profiles, deletion of windows at pool cabana), revision to site walls and other miscellaneous items. **Updated project description** - Change to means and methods of portion of east elevation reconstruction due to structural limitations. Request demolition and reconstruction of portions of existing exterior wall; to be reconstructed as currently approved by LPC and Building Permit. ****Please note: This is a tax abatement project.***

Call for disclosure of ex parte communication: Disclosure by Ms. Albarran.

Mr. Portuondo stated he would like to update the Commission on some of the issues that had appeared during the renovation.

David Hustad, Structural Engineer, explained the structural issues that had surfaced on the east façade during the ongoing renovation. Mr. Portuondo provided pictures on the overhead projector to demonstrate the issues.

Mr. Cooney confirmed that the scope of work would be limited only to the east façade. Mr. Hustad responded. Mr. Cooney asked about the roof and the materials to be used for the wall section. Messrs. Portuondo and Hustad responded.

Mr. Segraves asked about the width of the section of the wall that had issues. Mr. Hustad responded. Mr. Segraves asked about the method of reconstruction of the wall. Mr. Portuondo responded.

Mr. Albarran inquired about the balcony reconstruction. Mr. Hustad responded.

Mr. Segraves asked about the renovation of the windows. Mr. Portuondo responded.

A discussion ensued about the renovation and reconstruction.

Motion made by Mr. Segraves and seconded by Ms. Albarran to approve the project as presented. Motion carried unanimously.

3. Application for Certificate of Appropriateness #046-2018
LPC TO MAKE RECOMMENDATION RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S) - Done 10/17/18
Address: 212 Seaspray Ave.
Owner/Applicant: 212 Seaspray LLC, C/O Guy Rabideau, Manager
Professional: Patrick Segraves/SKA Architect + Planner
Project Description: **Initial project description** – Selective demolition, renovation and reconstruction to existing 4,200 sq. ft. home. Home will

consist of four bedrooms, four and one half bathrooms, kitchen, family room, living room, dining room, laundry room, loggia and balcony; new pool and patios; new porte cochère or awning on west front; garden patio on North side; new windows and doors throughout. Landscape and hardscape to be included. **Updated project description** – It was determined that the house was restored in the 1950's with diamond paper backed lath over 4 x 8 sheets of fiber board. This is deteriorating and stucco is not attached to the framing. We are proposing to restore the house with texture to match original stucco. The stucco will be on the new lath over self-adhering underlayment over ¾" CDX plywood.

Motions carried at the October 2018 meeting that implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property and that the proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Motion carried at the November 2018 meeting to approve the project as presented. ***Please note: This project has been brought back to the Commission to allow the professional to provide an update.***

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

Please note: Mr. Segraves recused himself from the project. Ms. Cini voted in the absence of Mr. Segraves.

Daniel Clavijo, SKA Architect + Planner, explained the issues they had encountered with the stucco on the residence during the reconstruction. Mr. Clavijo stated that the stucco replacement would be for the south, west and east façades and possible the north façade as well.

Mr. Cooney expressed concern for the integrity of the tile and front entrance surround during the reconstruction. Mr. Clavijo responded. Mr. Cooney inquired about the finish proposed for the stucco. Mr. Clavijo responded.

Ms. Albarran spoke of a similar situation she encountered during a renovation of another residence.

Motion made by Ms. Albarran and seconded by Mr. Gannon to approve the project as presented, which would include the front façade if needed. Motion carried unanimously.

4. Application for Certificate of Appropriateness #015-2019
Address: 322 Clarke Ave.
Owner/Applicant: Jay & Katherine Horgen
Professional: M. Mark Marsh/Bridges, Marsh & Associates

Project Description: Renovation of and addition to landmarked structure and hardscape/landscape.

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

Mr. Marsh provided a brief history of the residence and presented the proposed renovations to the landmarked structure. Mr. Marsh presented material samples to the Commission.

Mr. Cooney asked about the material proposed for the new shutters. Mr. Marsh responded.

Mr. Segraves thought that the shutters on the dining room window were not successful. Mr. Marsh agreed with the recommendation to eliminate the shutters.

Mr. Cooney requested that the shutters were made to be operable. Mr. Marsh agreed.

Mr. Segraves made a suggestion for the shutter material.

Mr. Cooney inquired if any historical photos for the front entrance were available. Mr. Marsh stated he could not find any old photos.

A discussion ensued regarding the proposed new front entrance.

Mr. Cooney expressed a concern for the introduction of the arched windows in the blind arches. Mr. Marsh responded. Mr. Segraves stated he was in favor of opening the arches.

Ms. Metzger asked about the window about the front entrance. Mr. Marsh responded.

A discussion continued above the front entrance feature.

Jorge Sánchez, SMI Landscape Architecture, welcomed Fernando Wong to the board.

Brian Vertesch, SMI Landscape Architecture, presented the new construction-screening plan for the project to the Commissioners. He showed a picture of the front wall in front of the residence on the overhead projector.

Mr. Cooney asked about the material proposed for the driveway. Mr. Vertesch responded.

Mr. Segraves asked about the front wall and how it would look after the landscaping was installed. Mr. Vertesch showed a photo of the existing front wall and responded to Mr. Segraves' question.

Ms. Coleman inquired about the wall on the adjacent property. Mr. Marsh responded. Ms. Coleman confirmed that the balustrades would be not be removed from the existing wall. Mr. Marsh provided confirmation.

Motion made by Mr. Segraves and seconded by Mr. Gannon to approve the project as presented with the deletion of the shutters on the dining room wall, west façade.

Ms. Metzger inquired if Mr. Marsh could change the front entrance, similar to Ms. Albarran's suggestion. Mr. Marsh responded.

Ms. Patterson was in favor of Mr. Marsh's version of the front entrance as well as the windows in the blind arches.

Motion carried 6-1, with Mr. Cooney opposed.

5. Application for Certificate of Appropriateness #016-2019
Address: 25 Middle Rd.
Owner/Applicant: John and Monika Preston
Professional: Jacqueline Albarran/SKA Architect + Planner
Project Description: New one story garage addition behind existing curved garden wall. Match roof slope, clay barrel tile and fascia details. Reuse or replicate existing garage doors.

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

Please note: Ms. Albarran recused himself from the project. Ms. Cini voted in the absence of Ms. Albarran.

Ms. Albarran presented the proposed addition and renovations for the landmarked residence. Ms. Albarran also presented the new construction-screening plan for the project to the Commissioners.

Mr. Lindgren stated that he believed that the construction-screening was shown on the plan A-1 site plan, along with the photographs that Ms. Albarran submitted.

Mr. Cooney inquired about the garage doors. Ms. Albarran discussed the current condition of the garage doors.

Motion made by Ms. Coleman and seconded by Mr. Gannon to approve the project as presented. Motion carried unanimously.

Please note: A short break was taken at 11:11 a.m. The meeting resumed at 11:22 a.m.

6. Application for Certificate of Appropriateness #017-2019

Address: 155 & 135 Hammon Ave.

Owner/Applicant: CH Hotel LLC (Andrew and Sarah Wetenhall)

Professional: Smith and Moore Architects, Inc.

Project Description: Request approval for demolition and reconstruction of the accessory structures/buildings, within the pool courtyard area, at the Colony Hotel property. This includes the following: Rehabilitation of existing North awning structure to a new trellis lattice structure with retractable awning and replacement of all existing awning fabric throughout. Demolition of existing pool bar, storage and bathroom building and construction of new separate pool bar and bathroom buildings. Demolition of existing swimming pool and construction of a new swimming pool. New rear driveway service delivery gates. New lattice and awning from second story exit, facing the pool. New landscape/hardscape throughout. Other associated changes as presented.

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

Peter Papadopoulos, Smith and Moore Architects, introduced the project and stated that the landscape architect would present the construction-screening plan prior to the project.

Brian Vertesch, SMI Landscape Architecture, presented the new construction-screening plan for the project to the Commissioners.

Mr. Papadopoulos presented an architectural history of the hotel and explained how it had evolved over the years. He then presented the architectural modifications proposed for the hotel.

Jorge Sánchez, SMI Landscape Architecture, presented the proposed landscape and hardscape plans for the hotel. He presented a rendering of the greenhouse on the overhead projector.

Ms. Coleman was in favor of the proposal. She suggested adding a small view from the outside into the pool. Mr. Sánchez responded.

Mr. Cooney asked about the proposed hardscape material for the driveways and the pool deck. Mr. Sánchez responded. Mr. Cooney inquired about the grass material proposed for the center of the pool. Mr. Sánchez responded.

Many of the Commissioners celebrated the plans.

Ms. Cini inquired about the dimensions of the pool. Mr. Sánchez responded.

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

IX. DISCUSSION ITEM

1. Construction Site Monitoring – Wayne Bergman

Mr. Bergman provided an update to the Commission regarding a new ordinance, which mandates construction site screening. Mr. Bergman stated that a new staff member was hired to monitor the construction sites. Mr. Bergman also provided an overview of the changes that had been made over the last six months.

2. Presentation of Zoning Code Reform – Josh Martin

Mr. Martin presented an approach to zoning code reform and process improvement for the Town.

Mr. Martin answered all of the questions from the Commission members. Many of the Commission members expressed their appreciation for Mr. Martin's approach.

X. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING, ZONING & BUILDING DEPARTMENT DIRECTOR.

Ms. Murphy requested that the Commission submit ideas for new properties to be considered for landmark status.

Mr. Cooney indicated that the planning was underway to update the historic site surveys.

XI. ADJOURNMENT

A motion made by Ms. Albarran and seconded by Mr. Gannon to adjourn the meeting at 12:53 p.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 19, 2019 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,



Edward Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME Albarran, Jaqueline		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:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED May 22, 2019		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 May 22,, 20 19 :

(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:

Certificate of Appropriateness COA-016-2019
25 Middle Road

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/22/19
Date Filed

[Signature]
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 Segraves, Patrick W		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 2500 S. Ocean Blvd. # 2A1		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: Town	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED May 22, 2019		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

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IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Patrick Segraves, hereby disclose that on May 22, 20 19:

(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:

Ongoing Project
COA - 046 - 2018
212 Seaspray Avenue
Renovation Update

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.

5-22-19
Date Filed

Patrick Segraves
Signature

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