



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, FEBRUARY 21, 2018.

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 9:31 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
Richard Rene Silvin, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Page Lee Hufty, Member	PRESENT
Anne Fairfax, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Jacqueline Weld Drake, Alternate Member	PRESENT
Kim Coleman, Alternate Member	PRESENT
Sue Patterson, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator
Paul Castro, Interim Director of Planning, Zoning & Building
Kelly Churney, Secretary to the Landmarks Preservation Commission
Bill Bucklew, Building Official
Joanne O'Conner, Town Attorney
Emily Stillings, Preservation Consultant for the Town of Palm Beach
Janet Murphy, Preservation Consultant for the Town of Palm Beach

III. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE JANUARY 17, 2018 MEETING

Motion made by Mr. Silvin and seconded by Ms. Albarran to approve the minutes of the January 17, 2018 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Mr. Cooney asked to amend the agenda as follows: Defer COA-002-2018, 323 Chilean Avenue for two months to the April 18, 2018 meeting; to withdraw COA-004-2018, 330 Island Rd and notified the Commission that the project COA-007-2018, 473 N. County Rd had applied for a tax abatement.

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the agenda as amended. Motion carried with all in favor.

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):

Mr. Lindgren stated that Ms. Albarran declared a conflict for her project at 323 Chilean Ave. at the January 17, 2018 meeting and had correctly completed the 8B form in accordance with State Law.

Peter Broberg, attorney for the owner at 305 Maddock Way, asked if he could address the Town's request for deferral of the project COA-006-2018, 305 Maddock Way.

Mr. Castro stated that he had intended to address the item when it was called on the agenda. He stated that staff would be requesting a peer review of the applicant's structural engineering report submitted.

Mr. Broberg stated he did not want the project to be deferred and provided reasons why he believed it was not fair to impose a deferral. Mr. Broberg reviewed the timeline of events for the project and stated they have filed all items in a timely manner.

Mr. Castro responded to Mr. Broberg's statements and stated that the project needed a site plan review since the owner plans to demolish more than 50% of the structure. Mr. Castro stated some issues trying to obtain a peer review of the engineering report. Mr. Castro stated he wanted to make sure that the Landmarks Commission had all of the information that he felt they needed to make a recommendation to the Town Council as it related to the demolition of an important landmarked house.

Mr. Cooney asked if the deferral for the project at 323 Chilean Avenue was a similar situation. Mr. Castro stated that staff is proceeding in the same manner with the project at 323 Chilean Avenue.

Keith Spina, architect for the project, stated the proposed demolition is the best approach due to the current condition of the home and believed the Commission agreed with this approach.

Ms. Hufty spoke about the philosophical debate of the demolition of a landmarked home.

Mr. Castro added that the Town of Palm Beach renovated Town Hall with similar conditions to the two projects in question. He stated that renovation is possible.

Mr. Spina discussed the structural engineering report they submitted that indicated that it could not be renovated. Mr. Castro stated that this house has not been considered to be condemned or unsafe at this time.

Mr. Gannon stated that the Commission should be able to discern when a building has structural issues. He indicated that the Commission is in a difficult position.

Mr. Spina stated the intent was to restore and improve the home.

Mr. Bucklew stated he has not seen the engineering report for the home but indicated the Florida Building Code has a section on historic structures with specific language, which references minimizing damage. Mr. Bucklew stated his methods on reviewing historic structures and the current code requirements that may make a building lose its landmark status.

Ms. Drake stated that she did not think the Commission should preserve a building if it was unsafe.

Mr. Segraves wondered if there were parts of the home that could be saved.

Discussion about the structural engineering report ensued.

Mr. Bucklew stated that staff has not assessed the building to determine if it is unsafe. Mr. Cooney stated that since staff has not assessed the safety of the building, he did not feel comfortable making any determinations on the application since the application is based on the house being unsafe. Mr. Castro added that the applicant has not asked staff to assess the home to determine its safety. Discussion ensued about the potential reconstruction.

Ms. Stillings stated that she felt the discussion had gone off base. She felt that the Commission should wait to hear the application until all the information is presented, given that this is the oldest home in the Town. Mr. Cooney agreed with Ms. Stillings.

Richard Sammons, ARCOM Chairman, recommended hiring an engineer that evaluates historic structures, independent and specifically outside of the area.

After the lengthy discussion, Mr. Cooney asked if the Commission would like to defer the project.

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

Motion made by Mr. Silvin and seconded by Mr. Gannon to defer the project to the March 14, 2018 meeting to allow staff to obtain a peer review of the structural engineering report submitted by the applicant. Motion carried with all in favor.

VIII. PUBLIC HEARINGS

A. Application for Certificate of Appropriateness #001-2018

***LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)* - Done 1/17/18**

Address: 240 Worth Ave.

Owner/Applicant: Palm V Assoc Ltd./Lilly Pulitzer

Architect: Robert Sargenti Jr./Sargenti Architects

Project Description: Removing existing Hermes branded storefront and glazing and replace with new storefront design. Removing awnings and replacing with new awnings (compliant with max 4'-0" projection). Installing signage. Modification of courtyard as extension of current design incorporating more landscape open space. Enclosure of rear/stock exit to cover misc. back of house transport of goods to match existing adjacent stucco finish. No exterior modifications at second floor. Leased area decreased from Hermes under separate permit.

A motion carried at the January meeting that implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property.

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

Maura Ziska, attorney for the applicant, stated that the project received Town Council approval for their zoning requests and asked the Commission if they would like to see the presentation a second time.

Guari Shirvalkar, Sargenti Architects, presented the proposed modifications to the building.

Mr. Cooney asked about the operability of a front facing window. Ms. Shirvalkar responded. Mr. Cooney asked about the proposed pump location for the fountain in the rear of the building. Jedidiah Hall, Nievera Williams, responded.

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

B. Application for Certificate of Appropriateness #002-2018

***LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)* - Done 1/17/18**

Address: 323 Chilean Ave.

Owner/Applicant: Ambassador Mark Gilbert
Architect: Jacqueline Albarran/SKA Architect + Planner, Inc.
Project Description: Demolition of existing deteriorated main house structure, patio and driveway (existing two-story guesthouse to remain). Existing perimeter landscaping remains. New irrigated lawn as per code. New two-story house to match previously approved but places at 8' NGVD finish floor elevation reworking some arches and roof slope as per original historic photo. Raise existing guesthouse to achieve an 8' NGVD finish floor elevation. Leave in existing footprint with new one story addition, trellis, pool, spa, fountain and patios as previously approved.

A motion carried at the January meeting that implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property.

Please note: This item was deferred to the April 18, 2018 meeting at the approval of the agenda, Item V.

- C. Application for Certificate of Appropriateness #003-2018
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S) -
Done 1/17/18
Address: 780 S. Ocean Blvd.
Owner/Applicant: Terry Taylor
Architect: Jason Drobot/Brasseur & Drobot Architects, P.A.
Project Description: The project consists of a proposed 748 square foot two-story addition at the southwest corner of the existing landmarked structure. The first floor of the addition shall be an open loggia, which will define an edge of an existing interior courtyard. An existing exterior stair at the west side of the new loggia shall be removed and a new stair will be added on center with the new loggia. The second floor of the addition shall be a new master bath and walk-in closet. Existing landscape and hardscape shall be removed in order to accommodate the new addition.

A motion carried at the January meeting that implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property.

Call for disclosure of ex parte communication: None.

Peter Broberg, attorney for the owner, stated that the project received Town Council approval for their zoning requests and asked the Commission if they would like to see the presentation a second time.

Mr. Drobot presented the proposed modifications to the residence.

Ms. Fairfax about the addition proposed. Mr. Drobot addressed her question.

Motion made by Mr. Segraves and seconded by Mr. Gannon to approve the project as presented. Motion carried 6-1 with Mr. Cooney opposed.

- D. Application for Certificate of Appropriateness #004-2018
Address: 330 Island Rd.
Owner/Applicant: Arthur Mineroff
Architect: Fernando Wong/Fernando Wong Outdoor Living Design, Inc.
Project Description: Paint the exterior bricks in white.

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

- E. Application for Certificate of Appropriateness #007-2018
Address: 473 N. County Rd.
Owner/Applicant: Louwana Trust c/o Leslie R. Evans
Architect: Thomas Kirchhoff, AIA/Kirchhoff & Associates Architects
Project Description: The applicant is requesting the following changes to the previously approved drawings for 473 N. County Rd.: 1. Changing the main entry door; changing several additional doors and windows as is illustrated in the plans. 2. Changing the staff entry door. 3. Remove and rebuild the entire staff wing in order to maintain the integrity of the structure. 4. Remove the ceilings of the Library and Dining Room in order to accommodate new sanitary piping in the bathrooms above. 5. Remove and rebuild the curving pool wall against the new guest quarters. This wall is bowed by 6" and will be raised 6". 6. Remove the existing non-functioning mechanical chimney. 7. Add downspouts to the new guest quarters. 8. Any associated changes not specifically described above. *****This project has applied for a tax abatement*****

Call for disclosure of ex parte communication: None.

Mr. Kirchhoff reminded the Commission that this project was a tax abatement project and presented the proposed modifications to the residence.

Ms. Stillings asked about the ceiling replacements for library and entryway ceilings. Mr. Kirchhoff stated it would match the existing dining room and explained the intent for the replacement.

Mr. Kirchhoff informed the Commission of some upcoming changes that he would be applying for in the future.

Mr. Silvin asked Ms. Stillings about the front door replacement with respect to the tax abatement application. Ms. Stillings thought the change was fine.

Motion made by Ms. Fairfax and seconded by Ms. Albarran to approve the project as presented with the alternate arched front door. Motion carried with all in favor.

IX. OTHER BUSINESS

A. Informal Review - Application for Certificate of Appropriateness #006-2018

LPC TO MAKE RECOMMENDATION RELATIVE TO SITE PLAN REVIEW

Address: 305 Maddock Way

Owner/Applicant: Paul L. Maddock, Jr.

Architect: Keith Spina/Glidden Spina + Partners

Project Description: Demolition and modified reconstruction of existing two-story residence including the alteration and enlargement of floor plan. Interior alterations include the reconfiguration of spaces and restoration of existing architectural elements. Exterior alterations include the addition a changing room and pool on west side of property, removal and replacement of existing nonconforming garage with new two story garage, window replacement, restoration of existing architectural elements, and modified reconstruction of structure. Alterations to hardscape and landscape.

SITE PLAN REVIEW INFORMATION: Section 134-843(b) An application for a Site Plan Review to construct new two-story 9,141 s.f. residence, swimming pool and pool cabana on a platted non-conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District.

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

Please note: This item was deferred to the March 14, 2018 at the Item VII, Comments from the Public and Commission Members.

X. DESIGNATION HEARINGS

Item 1: 130 Barton Avenue (Amendment)

Owner: Antoinette Gallant and the Charles Gallant Non-Exempt GST QTIP Trust

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

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney provided confirmation.

Emily Stillings, MurphyStillings, LLC, presented the amendment to the Designation Report for 130 Barton Avenue that proposed to change the boundaries and legal description of the landmarked property. She testified to the architecture and history for the 1920's Neo-Classical Revival style home. She stated that she felt that subdividing the lot would alter its historic siting and the character of the landmarked property. She added that she felt it would disrupt the balance and symmetry of the house and property. She recommended that the boundaries and legal description remain as is.

Steven Gallant, 3701 Flagler Ave. and son of owner, discussed the proposed lot split and indicated the reasons for the proposed split.

Ms. Fairfax asked Mr. Castro about the current setbacks and the setbacks needed for a new home. Mr. Castro stated it would be likely they would need variances and a lot split. Ms. Fairfax asked if the Landmark Commission would evaluate a new home. Mr. Castro stated that the Architectural Commission would evaluate a new home. Ms. Fairfax asked if a deed restriction could be placed on the lot. Mr. Castro stated he could not require more than what the Code required.

Mr. Segraves asked if the lot could be landmarked and still divided. Mr. Castro responded.

A discussion ensued about the possibility of a potential new home on the lot next to the landmarked home.

Ms. Stillings explained how recent lot splits were different from the current request for this lot split.

Ms. Patterson stated she was not in favor of the lot split and stated her reasons.

Ms. Hufty agreed with Ms. Patterson and was bewildered why the owner would request the split.

Mr. Gallant stated they would like to sell the house as is but wanted to find out if the possibility existed for a future buyer.

Ms. Drake made a suggestion to the owner to advertise the sale with the possibility of the lot split.

Ms. Coleman asked if it was possible to have pre-approved plans to sell the lot. Mr. Cooney stated it was not possible.

Mr. Cooney asked for public comment. There were no comments heard at this time.

Motion made by Ms. Albarran and seconded by Mr. Gannon to make the amendment to the designation report a part of the record. Motion carried with all in favor.

A second motion made by Ms. Albarran and seconded by Mr. Gannon that the amendment to the designation report for the proposed lot split is not recommended to the Town Council and that the landmarked property remains as is. Motion carried 6-1 with Ms. Fairfax opposed.

Item 2: 137 Seaspray Avenue

Owner: The Estate of Jerome H. Pennock

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

Ms. Hufty indicated that she believed the owner listed for the property was incorrect and a new owner had recently purchased the home. Ms. Stillings responded.

Ms. Fairfax declared a conflict of interest for the designation.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney provided confirmation.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for the rare 1924 Moorish Revival Style home. Ms. Stillings pointed out the design features and history of this home. Ms. Stillings indicated that there is only one other Moorish Style home landmarked in the Town. 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.

Mr. Cooney asked for public comment. There were no comments heard at this time.

Mr. Cooney expressed his enthusiasm to support the designation of this residence.

Mr. Silvin asked if the new owners were supportive of the designation. Ms. Stillings responded stated she thought they were in support with the designation but had not spoken directly with them.

Ms. Albarran was in support of the landmark designation.

Ms. Coleman asked if the awning and portico would be part of the landmark designation. Mr. Cooney stated the owners could ask to change these features but it was being landmarked in its current condition.

Many of the Commissioners were pleased to recommend this home to the Town Council for landmark status.

Motion made by Ms. Albarran and seconded by Mr. Segraves to make the designation report a part of the record. Motion carried with all in favor.

A second motion made by Ms. Albarran and seconded by Ms. Hufty to recommend 137 Seaspray Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161. Motion carried with all in favor.

Please note: A short break was taken at 11:29 a.m. The meeting resumed at 11:40 a.m.

Item 3: 136 Dunbar Road

Owner: Dana and Steven Krumholz

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

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Mr. Green, attorney for the owners, confirmed that they did receive proper notification.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this 1923 Mediterranean Revival style home. Ms. Murphy pointed out the design features of this home. 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;

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

Motion made by Ms. Albarran and seconded by Mr. Silvin that the designation report be made part of the record. Motion carried with all in favor.

James Green, attorney for the owner, asked Ms. Murphy about Lila Vanderbilt and argued that she was not a prominent member of the Vanderbilt family, therefore contended that criterion 1 was invalid.

Mr. Green provided a brief history of the home and provided reasons that the Commission should not recommend this home as a landmark.

Dana and Steven Krumholz, owners for the property, presented the history of the home and the substantial modifications to the residence that have occurred over the years. They stated their opposition to the landmark designation of their home.

Mr. Green reviewed many photos of reconstruction while Mr. and Mrs. Krumholz provided their testimony.

Richard McDonald, General Contractor, provided his opinion that the changes to the residence were more reconstruction rather than restoration.

Mr. Green confirmed with Mrs. Krumholz that she did not receive any communications from the preservation consultants to confirm the information in the designation reports.

Rick Gonzalez, Architect with REG Architects, testified that the modifications to the home have changed the integrity of the home. He refuted criterion three presented to landmark the home.

Nancy Udell, attorney for the owners, offered testimony to refute criterion one presented to landmark the home.

Mr. Krumholz and Mr. Green asked the Commission to decline designating the home.

Ms. Murphy stated she received the information on the hollow clay tile from the historic structural form. She also refuted Mr. Gonzalez's assessment of the builder and architect. She restated her reasons that criterion 1 should be considered to landmark the home. She added that the Town did not have a tax abatement program in 1989.

Mr. Lindgren read an excerpt from a book about Lila Vanderbilt Webb. There was a short discussion about Lila Vanderbilt and her history with the home.

Ms. Fairfax asked Mr. Gonzalez if he had a degree in historic preservation. Mr. Gonzalez responded. Ms. Fairfax asked Mr. Gonzalez his position if he believed hollow tile was worthy of landmarking. Mr. Gonzalez responded and stated the changes were of a lower quality. Ms. Fairfax pointed out that fenestration, landscape and hardscape changes are allowed and approved when a home is landmarked. Mr. Gonzales discussed the changes and stated that an architect well versed in preservation did not perform the modifications.

Mr. Green asked Mr. Gonzalez to review his recent positions that include preservation. Mr. Gonzalez reviewed his positions.

Ms. Hufty stated she was not supportive of the designation.

Mr. Silvin spoke in appreciation of Mr. and Mrs. Krumholz. He stated he visited and toured the outside of the home. He loved the façade of the home but was not supportive of the designation due to the alterations he saw during his tour.

Ms. Patterson thought the home was worthy of landmark designation but understood that the owners were not in favor of the designation.

Mr. Gannon was not in favor of the designation due to the substantial changes to the home.

Mr. Cooney stated he was sympathetic with Krumholz position. He stated although there had been many changes to the home, they are changes that the Commission

would allow. He stated that although the changes in the back were unsympathetic, the street and side facades looked like it had for its entire life. He also stated that while the social history was interesting, it is the architectural features he finds more important when making this decision. He continued a discussion about the need for renovation of older homes in the Town.

Ms. Albarran discussed historical renovations that she has done that were similar to the changes to this home. She added that she believed that three sides of the home in question were historically accurate.

Mr. Silvin disagreed and stated he believed that only two sides were historically accurate.

Ms. Hufty questioned why this home was compared to Hogarcito. Mr. Cooney stated he was referring to the construction techniques and not the home itself.

Ms. Drake thought that much of the original home was destroyed and that this was not the most extraordinary example of a Mediterranean Revival style home. She added that she would not support the designation.

A second motion made by Mr. Gannon and seconded by Mr. Silvin not to recommend 136 Dunbar Rd. to the Town Council for landmark designation. Motion carried 4-3 with Mr. Cooney and Ms. Albarran and Fairfax opposed.

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

Ms. Stillings stated she received an email from the property owner at 218 Seaspray Avenue who would like to put their home under consideration for landmark designation. Ms. Stillings presented photos of the home and provided a brief history of the home. She added they would like to research more of the home if the Commission thought it was worthy. A short discussion ensued about the home.

Motion made by Ms. Albarran and seconded by Mr. Silvin to place the home at 218 Seaspray Avenue under consideration for landmark status. Motion carried with all in favor.

Mr. Lindgren reminded the Commission that the March Landmarks Commission meeting was moved to Wednesday, March 14, 2018.

Mr. Silvin reported on the following items heard at the Town Council meeting: 245 Dunbar Rd, 138 Root Trail and 455 Australian Ave. which were all approved at the Town Council. He also added that the Carriage House project was withdrawn and the project at 323 Chilean Ave. was deferred.

Mr. Silvin also brought up a letter from President Kleid to all Commissions regarding Commissioners leaving early from meetings. Mr. Silvin encouraged Commissioners to attend the next Town Council meeting for Mr. Kleid's last meeting.

XII. ADJOURNMENT

A motion made by Mr. Gannon and seconded by Ms. Albarran to adjourn the meeting at 1:17 p.m. Motion carried with all in favor.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 14, 2018 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward A. Cooney". The signature is fluid and cursive, with the first name "Edward" being more prominent than the last name "Cooney".

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 <i>Fairfax, Anne</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmark 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: <i>Town</i>	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>February 21, 2018</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 February 21, 20 18:

(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:

Designation Hearing
137 Seaspray Ave.

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

2/21/18

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.