

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, NOVEMBER 19, 2008

AT 9:00 A.M.

AT THE TOWN COUNCIL CHAMBERS,
360 SOUTH COUNTY ROAD, PALM BEACH

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 or may obtain an audio recording (tape or CD) of the meeting by contacting Cindy 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:** Chairman Pandula called the meeting to order at 9:02 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Eileen Bresnan, Member
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member
Dudley L. Moore, Jr., Alternate Member
Wallace Rogers, Alternate Member
John C. Randolph, Town Attorney
John S. Page, Director of Planning Zoning & Building
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: Patrick Segraves, Secretary (pending classification)
Robert Eigelberger, Member (pending classification)

III APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2008 MEETING:
MOTION BY MR. HANLEY FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

IV ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:
By Mrs. Delp

V APPROVAL OF THE AGENDA:
MOTION BY MR. HANLEY FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.

VI COMMENTS FROM THE PUBLIC: (0:01:51.9)

Mrs. Etonella Christlieb, 200 Everglades Avenue, thanked the commission for holding steadfast in their recommendation to the Town Council to landmark the Royal Poinciana Plaza.

Mr. Paul Noble, 2175 Ibis Isle Road, stated he was representing Pat Flynn and the Palm Beach Theater Guild. He presented documents to each member regarding mid-size playhouses. Mr. Randolph clarified that Mr. Noble was simply providing information to the LPC, and that the Royal Poinciana Playhouse was not a subject for discussion on today's agenda.

Mrs. Laurie Volk, Vice Chairman of the John L. Volk Foundation, thanked the commission for adherence to the goals and principles of historic preservation. She cautioned the LPC that Mr. Spiegel (owner of the Royal Poinciana Plaza) had filed a zoning ordinance modification in July of this year which suggests the elimination of the 1979 agreement to retain the theatre.

Acknowledgement of Mr. Timothy M. Frank (0:04:48.1)

The Landmarks Preservation Commission recognized Mr. Frank's 20 years of service to the Landmarks Preservation Commission and his service as an advocate of historic preservation in the Town. Mr. Frank was presented with a plaque reading as follows: "With sincere appreciation for your extraordinary dedication to historic preservation in the Town of Palm Beach and for maintaining a standard of excellence during more than 20 years of service." Mr. Frank received a round of applause.

VII **PUBLIC HEARINGS:** (0:06:03.8)

A. **Application for Certificate of Appropriateness #23-2008,**
Restoration/Reconstruction

Owner/Applicant: Bath and Tennis Club Inc.

Address: 1170 South Ocean Boulevard

Architect: Oliver Glidden Spina & Partners

Project Description: Request approval for restoration, reconstruction, landscape/hardscape, interior and exterior demolition, awning and exterior color change which is further described as: Building (Beach Level): Replace all windows and doors on beach level. Replace awnings on Beach Level to green and tan stripe at Courtyard. Add barrel tile roof to existing flat concrete overhang over Providencia Room. Remove portion of awning at courtyard, add landscape and wall fountain. Relocate entry to pool/beach, remove wood louvers, and relocate opening in wall at courtyard. At Cabanas, replace HWH's and louvers on cabanas. Raise 10 existing cabanas approximately 1 ft.- 4 inches with deck railing over Sandpiper Lounge to provide weatherproof roof enclosure and increase ceiling height in room. Repair wood sun deck over cabanas.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION:

Mr. Hanley stated he has spoken with the architect and has attended meetings at which the design and construction were discussed. Mr. Roberts stated he had spoken with the architect and landscape architect and the contractor over a period of several months.

Architect Keith Spina of Oliver Glidden Spina & Partners presented this request, and stated that this is a tax abatement project. He presented photographic documentation (before and after shots) of the first (previously LPC approved) project at the Bath & Tennis Club kitchen, central courtyard, promenade, loggia, pro shop, and service drive. Mr. Pandula took this opportunity to heartily congratulate the property owner, the design team, and the contractor for a job well done.

Mr. Spina then proceeded with today's request, as listed above, regarding the North cabanas, beach level, beach access, South cabanas and cabana restrooms, locker rooms and the Aquatic Director office area. He presented reduced plans to the members for reference, and reviewed each of the plan pages. The North and South cabanas, both one and two-story, will be repaired and restored, without any change to their appearance. Mr. Spina, referring to the Site Plan, stated that 100 sq. ft. of green space will be added to the site as a result of the proposed changes, and covered awnings are being reduced by 200 sq. ft. The project includes enlarging the cabana bathrooms and making them ADA compliant, together with renovations/updates. At the cabanas themselves, foundations and rotted wood will be repaired and replaced; re-strapping will be done; the roof will be re-done; rotted wood doors and louvers will be replaced; and, the existing water heating system will be changed to a central system. Mr. Spina explained the remainder of the project in accordance with the presented plans.

Mrs. Day stated that she had toured the site with the architect. She spoke in favor of the requested changes, as presented, as an enhancement and protection to this very important Town landmark. Mr. Pandula suggested adding outlookers and exposed members at the new barrel tile awning at the Providencia. Mr. Spina agreed with this suggestion. Mr. Roberts also complimented the work done thus far, and the proposed work, calling it a "fabulous job and a giant upgrade to a deteriorating building."

MOTION BY MR. ROBERTS FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. RUBIN.

MOTION CARRIED UNANIMOUSLY.

Mr. Page, having stopped to tour the property, stated that he was very impressed with the attention to detail and the quality of the work completed.

VIII OTHER BUSINESS: (0:36:26.0)

- A. Informal Review: 403 Seabreeze Avenue
(In conjunction with Variance #24-2008)

Requesting approval of partial demolition of existing garage accessory structure (292 sq. ft. removed from existing 517.5 sq ft.) New 12' x 20' Pool with rear yard setback of 5 ft.

Mrs. Delp announced that this project had been withdrawn.

- B. Informal Review: 150 Bradley Place (0:37.04.3)
(In conjunction with Site Plan Review #11-2008 with Variance)

Requesting approval to construct a 1,480 sq. ft. building to enclose a 1,500 kilowatt generator on the south side of the subject property. The Applicant has filed for site plan review with a variance for lot coverage.

Mr. Pandula recused himself and declared a Conflict of Interest relative to this project since he had done some consulting work on the project. He passed the gavel to Mr. Hanley.

Attorney Frank Lynch was present on behalf of the applicant, The Palm Beach Biltmore Condominium Association. He was accompanied by the Condo Association President, the Building Manager, the Asst. Building Manager, Jim Quinn from FP&L, the Project Engineer, and the landscape architect. Mr. Lynch explained that there are two components to the building, a 1,500 kilowatt generator and a 6,000 gallon diesel tank. The building will have a three color, variegated clay barrel tile roof, stucco finish, and outlookers in a mahogany finish. The building runs 43 feet (east-west) and 34.5 feet (north-south), with an overall height of 28 ft.-2 in. and an interior floor to ceiling measurement of 15 feet. The project would remove 2,200 sq. ft. of asphalt in the parking lot and replace it with the 1,480 sq. ft. generator building and green space. The number of parking spaces will be reduced from 274 to 268. It is necessary to soundproof the generator building which results in a building which is larger than the generator itself. Mr. Lynch stated that the size of the generator (1500 kw) was determined in accordance with the National Electrical Code and a review by FP&L to meet the needs of the building in times of power outages. The proposed generator would replace the existing generator which was used only to run elevators and emergency lights. After a storm event, with water intrusion, power is necessary to prevent mold growth. Mr. Lynch stated that per State law, a condominium association is required to maintain the common areas of the condominium building, and various legal opinions have been offered which allow the Board of Directors, without owner approval, to install a new larger generator to serve the entire building.

Mr. Hanley stated that some of the information being presented is not germane to the LPC's jurisdiction and concerns. Mr. Randolph agreed stating that such matters are important to the Town Council in their consideration of the variance, but the LPC is only

to make a recommendation to the Town Council as to whether the variance request is consistent with the architecture of the Biltmore and with historic preservation principles.

Mrs. Rubin asked whether the building was shuttered during the last hurricanes. The Building Manager responded that only some of the openings were shuttered at that time, but now all of the openings are shuttered.

Paul Castro, Zoning Administrator explained that the applicant is requesting a lot coverage variance. The current code allows for 22% lot coverage, but at this site, lot coverage already exceeds 30%, and that is without the proposed generator building. Mr. Castro noted that there are objections to this proposal, both from within the Biltmore Condominium property owners and from neighbors.

Again, Mr. Hanley reminded everyone that the LPC was not to enter into any disputes or legal issues, but only to make a determination as to the architecture of the proposed building, and whether it works with the landmarked structure.

Attorney Neil Schiller of Becker and Poliakoff stated that he represents 62 residents of the Biltmore who are in opposition to the project. He maintained that the size of the building and the lot coverage at the site are appropriate matters for the LPC to review. He explained that there is an existing 600 kw generator at the Biltmore which runs the elevators, common area air conditioners, and common area electrical outlets. It was the position of his clients that the 600 kw generator has been adequate and is still adequate, and that the 1500 kw generator is excessive and unnecessary. One of the major objections is that the building, together with its generator and a 6,000 gallon diesel tank will be located within 4.5 feet of a playground. Mr. Schiller maintained that the applicant has not proven hardship for the variance for lot coverage. He also felt that having such a large power source would encourage Biltmore residents to remain at the Biltmore during storm events.

Mr. Moore asked for clarification as to whether Mr. Schiller's clients would be in favor of a new, smaller generator in a smaller building, or whether they only prefer to maintain the existing 600 kw generator located inside the building. Mr. Hanley asked Mr. Randolph if the LPC should concern themselves with these issues. Mr. Randolph responded that the Town Council will deliberate the hardship issue, and the LPC should simply make a recommendation to the Town Council as to how the proposal fits in with the existing landmark. He added, however, that the LPC could appropriately discuss the size of the building. Mr. Hanley asked for feedback from the commission. Many members felt that the building was too large, and the necessity for the barrel tile roof was questioned.

MOTION BY MR. ROBERTS THAT THE TOWN COUNCIL SHOULD DECIDE ON WHETHER THE VARIANCE IS JUSTIFIED AND APPROPRIATE, AND THEN RETURN IT TO THE LPC AFTER THE TOWN COUNCIL DECIDES ON THE SIZE.

MOTION AMENDED BY MR. ROBERTS TO RECOMMEND TO THE TOWN COUNCIL THAT THE BUILDING IS ATTRACTIVE AND FITS THE ARCHITECTURE, BUT THE BUILDING IS TOO LARGE, AND THE BARRELTILE ROOF MAY BE INAPPROPRIATE.

**MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.**

C. Distribution of Designation Reports for the December LPC meeting (1:19:06.1)

Mrs. Day distributed Designation Reports for 236 Worth Avenue (Facade only) and the North County Road Post Office a/k/a 95 N. County Road which will be on the December agenda for public hearing.

Mrs. Day announced that from May 13-16, 2009, the Florida Trust meeting will be held in Palm Beach, with headquarters at the Colony Hotel. She encouraged members to register for the events.

**IX COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND
PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:** (1:19:49.5)

Mr. Page announced that within the next decade, both the Southern Boulevard bridge and the North bridge or Flagler Memorial Bridge will be replaced. He referred to a notice from the Florida Dept. of Transportation (copy distributed to members) relative to a public hearing to be held December 11, 2008 at the Palm Beach County Convention Center to discuss plans relative to construction of a new drawbridge at Southern Boulevard. The Town has also appointed Mr. Pandula, John Ripley, and Anne Blades to meet with DOT relative to the aesthetics of the new, proposed North bridge.

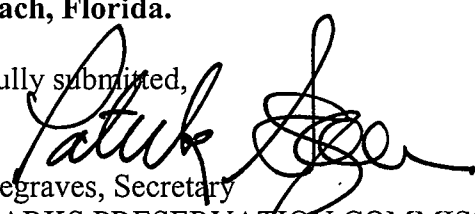
Due to a change in Town Council meeting dates (Tuesday and Wednesday) commencing January of 2009, there will be a conflict with the April and July LPC meeting dates. Mr. Page will consult with Mr. Pandula to reschedule the LPC meetings for those two months. He also advised the members that due to continuing construction at Town Hall, the meetings which are normally held in the Town Council Chambers will have to be relocated elsewhere. The Town is reviewing several possible alternatives for meeting sites.

X ADJOURNMENT:

**MOTION BY MR. HANLEY TO ADJOURN AT 10:26 A.M.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Landmarks Preservation Commission will be held at 9:00 a.m. on Wednesday, December 17, 2008 in the Town Council Chambers, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,


Patrick Segraves, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2008

MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11//08	12/08
Eugene Pandula	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>
William Lee Hanley Jr.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>
Patrick Segraves	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u> </u>
Robert Eigelberger	<u>P</u>	<u>P</u>	<u>E</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u> </u>
Eileen Bresnan	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>
Hazel Rubin	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>
Charles S. Roberts	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>

ALTERNATE MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11//08	12/08
D. Imogene Willis	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>
Dudley L. Moore	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>
Wallace Rogers	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>

LEGEND: P=Present, E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2008

MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11/08	12/08
Eugene Pandula	___	___	___	___	___	___	___	___	___	___	<u>V</u>	___
William Lee Hanley Jr.	___	___	___	___	___	___	___	___	___	___	___	___
Patrick Segraves	___	___	___	___	___	___	___	___	___	___	___	___
Robert Eigelberger	___	___	___	___	___	___	___	___	___	___	___	___
Eileen Bresnan	___	___	___	___	___	___	___	___	___	___	___	___
Hazel Rubin	___	___	___	___	___	___	___	___	___	___	___	___
Charles S. Roberts	___	___	___	___	___	___	___	<u>V</u>	VPD	___	___	___

<u>ALTERNATE MEMBERS</u>	<u>1/08</u>	<u>2/08</u>	<u>3/08</u>	<u>4/08</u>	<u>5/08</u>	<u>6/08</u>	<u>7/08</u>	<u>8/08</u>	<u>9/08</u>	<u>10/08</u>	<u>11/08</u>	<u>12/08</u>
D. Imogene Willis	___	___	___	___	___	___	___	___	___	___	___	___
Dudley L. Moore	___	___	___	___	___	___	___	___	___	___	___	___
Wallace Rogers	___	___	___	___	___	___	___	___	___	___	___	___

LEGEND:

V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared
V2	=	Two Voting Conflicts during a meeting			(This category to be used when a conflict has
V3	=	Three Voting Conflicts during a meeting			Been declared at a previous meeting, and the
					Changes being reviewed are part of an ongoing
					project. ONLY COUNT ORIGINALDECLARED
					CONFLICT PER JCR, TOWN ATTORNEY)

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDULA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 201 SEAVIEW AVENUE PALM BEACH		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH, FLORIDA	COUNTY 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 19 NOVEMBER 2008		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 present with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

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

- You should 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.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

RECEIVED

DEC 02 2008

TOWN CLERK

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING

- You should disclose orally the nature of your conflict in the measure before participating.
- You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, GENE PANIKAS, hereby disclose that on 19 NOVEMBER, 2008

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

☐ inured to my special private gain; or

☒ inured to the special gain of THE BILTMORE CONDOMINIUM, by whom I am retained

(b) The measure before my agency and the nature of my interest in the measure is as follows:

CONSULTING ARCHITECT FOR DESIGN OF GENERATOR BUILDINGS

19 NOVEMBER 2008
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 \$5,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDULA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 201 SEAVIEW AVENUE PALM Bch		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH, FLORIDA	COUNTY 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 19 NOVEMBER 2008		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 present with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but **must** disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

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

- You should 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.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING

- You should disclose orally the nature of your conflict in the measure before participating.
- You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, GENE PANDUCA, hereby disclose that on 19 NOVEMBER, 2008

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

☐ inured to my special private gain; or

☒ inured to the special gain of THE BILTMORE CONDOMINIUM, by whom I am retained

(b) The measure before my agency and the nature of my interest in the measure is as follows:

CONSULTING ARCHITECT FOR DESIGN OF GENERATOR
BUILDINGS

19 NOVEMBER 2008
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 \$5,000.