TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
9:00 a.m., WEDNESDAY, OCTOBER 16, 1996
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:08 a.m. by Chairman Jeffery W. Smith.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Joanna Frost-Golino, Vice Chairman
Eugene Pandula, Secretary
Jacqueline Albarran de Mendoza, Member
Arthur Silverman, Member
Harrison M. Robertson Jr., Member
Lindley M.F. Hoffman, Member
Jane R. Grace, Alternate Member
Elizabeth Shields, Alternate Member (arrived 9:09 a.m.)
Sari M. Wilkey, Alternate Member
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator
Tracy Biagiotti, Presiding Town Attorney

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the September 18, 1996 Meeting:
MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MRS. FROST-GOLINO.
MOTION CARRIED UNANIMOUSLY.

Mr. Robertson noted, for the record, that he was absent at the September meeting, and this absence was "unexcused". He stated, however, that he was in Venice, Italy "studying landmark preservation" , and wanted this recorded in the Minutes.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 25-96,
Miscellaneous changes
Owner/Applicant: Paramount Partners
Address: 139 North County Road
Architect: David R. Miller AIA
Project Description: Request approval of the following:

1. Cast stone at grade level planters
2. Cast stone at main entry
3. Exterior door replacement - courtyard
4. Railing replacement
5. Deck/roof-reroof and cast stone installation
6. Planter replacement at roof deck
7. Courtyard common area furnishings
8. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS.

Please note that Mrs. Albarran de Mendoza has previously declared a Conflict of Interest with respect to this matter. This matter was deferred from the May meeting with the following motion: MOTION BY MRS. FROST-GOLINO APPROVING THE PROJECT AS PRESENTED, EXCEPTING THE METAL RAILING DETAILS WHICH ARE TO BE BROUGHT BACK TO THE LPC FOR REVIEW (DRAWING AND MOCK UP), AND EXCEPTING THE CAST STONE AT THE MAIN ENTRY OF THE AUDITORIUM UNTIL SUCH TIME AS THE ANTICIPATED SIGNAGE IS READY FOR REVIEW.

MOTION AT THE JUNE MEETING FOR DEFERRAL TO THE JULY MEETING.
MOTION AT THE JULY MEETING FOR DEFERRAL TO THE AUGUST MEETING.
MOTION AT THE AUGUST MEETING FOR DEFERRAL TO THE SEPTEMBER MEETING.
MOTION AT THE SEPTEMBER MEETING FOR DEFERRAL TO THE OCTOBER MEETING.

MR. DAVID MILLER, ARCHITECT FOR THIS PROJECT, REQUESTS REMOVAL OF METAL RAILING DETAILS, CAST STONE AT THE MAIN ENTRY OF THE AUDITORIUM, AND SIGNAGE FROM THIS REQUEST, THEREBY PERMITTING THE CERTIFICATE OF APPROPRIATENESS FOR THE REMAINING ITEMS TO BE ISSUED.

MOTION BY MRS. ALBARRAN DE MENDOZA REMOVING THE METAL RAILING DETAILS, CAST STONE AT THE MAIN ENTRY OF THE AUDITORIUM, AND SIGNAGE, THEREBY PERMITTING THE CERTIFICATE OF APPROVAL TO BE ISSUED.

MOTION SECONDED BY MRS. FROST-GOLINO.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #29-96,
Miscellaneous changes
Owner/Applicant: Via Parigi Properties c/o The Everglades Club
Address: 347 Worth Avenue
Architect: Brower Architectural Associates
Project Description: Request approval of the following:

1. Add barrel tile roof over existing third floor balcony, with wood columns and wrought aluminum railing
2. Add balcony on second floor with french doors and new round top windows
3. Other associated changes as presented

MOTION MADE AT THE JUNE MEETING: TO APPROVE THE REQUEST AS PRESENTED WITH THE PROVISO THAT THE PETITIONER COME BACK AND SHOW THE DETAILS OF THE SECTION OF THE ROOF SUCH THAT IT WORKS AS SPECIFIED, STARTING AT THE EXISTING EAVE LINE AND GOING NO LOWER THAN 3 AND 12 PITCH BECAUSE IF NOT, BARREL TILE WOULD NOT WORK; AND THAT THE DETAILS BE PRESENTED ALONG WITH THE DETAILS OF THE RAILINGS AND THE COLUMNS AND THE COLOR CHIP OF THE BUILDING

MOTION MADE AT THE JULY MEETING FOR DEFERRAL TO THE AUGUST MEETING..
MOTION MADE AT THE AUGUST MEETING FOR DEFERRAL TO THE SEPTEMBER MEETING.
MOTION MADE AT THE SEPTEMBER MEETING FOR DEFERRAL TO THE OCTOBER MEETING.

MR. KEN BROWER, ARCHITECT, REQUESTS REMOVAL FROM THE AGENDA

MOTION BY MR. HOFFMAN FOR REMOVAL FROM THE AGENDA.
MOTION SECONDED BY MRS. FROST-GOLINO.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Smith passed the gavel to Mrs. Frost-Golino for the next two items due to his previously declared conflicts.

C. Application for Certificate of Appropriateness #42-96
Modification to parapet wall
Owner/Applicant: The Mar-a-Lago Club
Address: 1100 South Ocean Boulevard
Architect: REG Architects
Project Description: Request approval of modification of design for patio perimeter wall at tennis pavilion, and other associated changes as presented. The design will be modified by removing the design detail and replacing it with cast stone balusters.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

MOTION MADE AT THE SEPTEMBER MEETING: MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF "OPTION E" USING HEDGE MATERIAL IN LIEU OF BALUSTRADE, AND WITH THE PROVISO THAT THE APPLICANT WILL RETURN TO THE LPC WITH LANDSCAPE DETAILS.

Mr. Wes Blackman presented a revised plan showing either green pittosporum or orange jasmine hedge in lieu of the balustrade. The proposed height was 30"-40". The LPC recommended that the hedge be planted only at 18" in height and then allowed to grow.

MOTION BY MRS. ALBARRAN DE MENDOZA TO APPROVE THE HEDGES AS PRESENTED, BUT PLANTED AT A MINIMUM HEIGHT OF 18", AND THEN ALLOWED TO GROW TO A HEIGHT PER THE OWNER'S DISCRETION.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 44-96,
Lighting; roof over utility pad
Owner/Applicant: The Mar-a-Lago Club
Address: 1100 South Ocean Boulevard
Architect: REG Architects, Mr. Rick Gonzalez
Project Description: Request approval of lighting of landscape islands of the northern parking area, construction of free-standing roof over utility pad, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mr. Robertson stated that he had been through the Mar-a-Lago property in April.

Mr. Wes Blackman and Mr. Ken Jakewith presented these requests. The applicant is still investigating the lighting issue, and it was requested that the lighting issue be deferred to next month. They are looking at a bollard type fixture which can be encased in cast stone.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR DEFERRAL TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

An L-shaped utility pad fits between the two existing maintenance buildings at the north end of the property. Various equipment is found in this area, i.e., spa utility equipment, a/c tower, water heaters, and electrical gear and junction boxes. The covered structure over the pad will be a free-standing open structure with an aluminum shed roof and a shadow box fence across the front. The shadow box will hide the equipment from view, but will permit necessary air flow to the equipment. The structure will be green to match the other structures there.

MOTION BY MR. HOFFMAN TO APPROVE THE FREE STANDING ROOF OVER UTILITY PAD AS PRESENTED.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Blackman also presented an additional request. He stated that during the summer, the pool equipment was relocated to the parking/utility area and it has been submerged. A 42" high stucco retaining wall is required around it, and landscaping will be placed around the wall. Similarly, a 6' high wall plain stucco wall is hiding electric meters in the spa area, and this wall can also be landscaped should the LPC desire. Mr. Frank stated that this particular wall is quite visible, and as such needed LPC approval. The LPC voiced no negative comments relative to either of the walls, and requested that the matter return next month with appropriate landscaping for review.

Please note that Mr. Smith returned to the Chair at this time.

E. Application for Certificate of Appropriateness #43-96
Site Lighting
Owner/Applicant: Henry Morrison Flagler Museum
Address: 1 Whitehall Way
Contractor: On Track Lighting
Architect: The Lawrence Group
Project Description: Request approval of site lighting as follows:

1. Light employee parking lot using well shaded metal halide fixtures-(2 light poles)
2. Provide motion detector activated security lights mounted in palm trees near lake side of property
3. Replace inadequate path lights in front of entry to museum with proper fixtures for safety at night
4. Two new light poles in islands to match existing light poles on south side
5. Relocate several light poles adjacent to entry drive
6. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mrs. Frost-Golino stated she did visit the site at night, but did not see anyone. Mr. Smith stated that Mr. Gray contacted him by phone regarding the matters to be discussed at this meeting, and relayed the information that the bollard type fixtures have been already purchased.

MOTIONS MADE AT THE SEPTEMBER MEETING:

1. Motion by Mrs. Albarran de Mendoza to approve two new light poles in the islands to match existing light poles to illuminate the new parking area.
2. Motion by Mr. Pandula to defer Items 1,2 3 & 5 as listed on the agenda above.

Mr. John Blades, Director of the Flagler Museum, and Mr. Joel Gray of On Track Lighting returned to the LPC subsequent to last month's review of the matter. Mr. Blades reviewed the project as a whole. The metal halide fixtures for the employee parking lot will be placed on two 15' light poles which will be well screened to shield light from the neighbors. The fixtures to be placed in the palm trees will attach directly to the palms and will be activated by motion and heat. The sensor is adjustable to eliminate the lights from activating due to small animals. The lights will only respond to "heat in motion". The same type of fixture will be placed in another tree pointing toward another employee parking area. The lights along the walkway will be 11 watt fluorescent fixtures in a bronze color. They will be placed back against the hedges so they effectively disappear. The light emitting from these fixtures will be yellow, much like the typically preferred incandescent fixtures.

MOTION BY MRS. FROST-GOLINO TO APPROVE ITEMS 1, 2 & 3 AS PRESENTED.
MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. ALBARRAN DE MENDOZA TO REMOVE ITEM #5 FROM THE APPLICATION.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness # 45-96,
Door and Walk-up Counter
Owner: Via Mizner Associates Ltd. Partnership
Applicant: Barnie's Coffee & Tea
Address: 337 Worth Avenue
Architect: Interplan Practice Ltd.
Project Description: Request approval to relocate door in existing masonry openings, and provide a walk-up service counter in an existing glazed opening, and other associated changes as presented

PLEASE NOTE THAT THE ARCHITECT HAS REQUESTED DEFERRAL OF THIS PROJECT TO THE NOVEMBER MEETING.

Mrs. Delp stated that Mr. Ian Kean of Via Mizner had informed her that Barnie's has no lease with Via Mizner, and as such, recommended that the item be removed.

MOTION BY MRS. FROST-GOLINO TO REMOVE THIS ITEM FROM THE AGENDA.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness #46-96,
Miscellaneous changes
Owner/Applicant: Brazilian Court, Inc.
Address: 301 Australian Avenue
Architect: Eugene Lawrence, The Lawrence Group
Project Description: Request approval of the following:
1. Remove fountain from south courtyard and construct same in north courtyard
2. Add four-sided non-chiming post clock with bench, balustrade to south courtyard
3. Modify building finishes and color
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mrs. Frost-Golino visited the site last month with Mr. Frank and Mr. Frank Santora, Resident Inspector. They reviewed the building color changes, locations of trees, the courtyard and the balustrade. Mrs. Wilkey stated that she visited the site, but spoke with no one.

Attorney James Brindell stated that an application was submitted to the Town with eight items for consideration, but they request postponement of Items 2,4,5,6 & 7, as listed on the application. Mr. Smith noted that the agenda lists only 4 items. Mr. Brindell stated then that Items 1 & 2, as listed on the agenda, should be deferred, and Item 3 will be discussed today. Mr. Brindell stated further that they would like to discuss two other items listed on the application, i.e., a walkway connector and extension of the front canopy, both requiring variances. Mr. Frank recommended that neither of these variance-requiring items be discussed as they had not yet been heard at the Town Council level. The Chair agreed that these items should not be reviewed.

MOTION BY MRS. ALBARRAN DE MENDOZA TO DEFER ITEMS 1 & 2, AS LISTED ON THE AGENDA
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Brindell also asked to discuss the Australian Avenue landscape plan. Mr. Smith pointed out again that this item is not on the agenda.

As to building color, (#3 as listed on the agenda) the proposal is to paint the building a more pale yellow than currently exists. The new color is known as Bruning Gossamer White #0W371P. Trim will still be done in white. The building textures will be re-done to match the existing textures on the building. There was some discussion as to the color change, i.e., why change the color at all. Mr. Lawrence stated that the owner feels the existing color is too bright.

MOTION BY MRS. FROST-GOLINO APPROVING THE COLOR SAMPLE AS PRESENTED, WITH STUCCO FINISHES TO MATCH THE EXISTING.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

The LPC agreed to review the Australian Avenue landscaping. Mr. Frank explained that the Town had received information that this landscape area was being altered without approval, and as such, was "red-tagged". At that time staff requested that the applicant submit a landscape plan for review informally, as the filing deadline for LPC review had already passed. Mr. Lawrence explained that most of the trimming had been done around the base of the building and the driveway. Landscape material was added in the form of 16' silver buttonwoods, yellow tabebuia, loriope, ixora and annuals. The resulting landscape is an improvement from the previous condition. There are presently melaleucas incorporated within the landscape there, and Mr. Moore and members of the LPC reminded Mr. Lawrence that melaleucas are to be removed. The LPC offered no negative commentary relative to the landscape changes, and asked how the applicant should proceed.
Mr. Moore stated that based upon this presentation, the red tag can be removed, and the applicant may proceed with the landscaping at their own risk, prior to seeking formal approval next month.

H. Application for Certificate of Appropriateness #47-96,
Hurricane Shutters
Owner/Applicant: Mrs. Patricia M. Supper
Address: 260 Via Bellaria
Contractor: Mastercare Shutter Corp.
Project Description: Request approval to install roll shutters and accordion shutters, and other associated changes as presented

Mr. Alan Jenkinson, Sales Director for Mastercare Shutters, returned to the LPC subsequent to last month's comments. The shutter request is for a majority of rolling and removable shutters with a few accordion shutters. The owner would like to be as self-sufficient as possible with regard to shuttering the some 70 openings at the house. The house is presently shuttered with shutters which do not satisfy Mrs. Supper's insurance company. Ms. Nancy Lucia, who manages the property for Mrs. Supper, stated that Mrs. Supper will be in residence most of the year. Ms. Lucia stated that it is her responsibility to shutter the home should the need arise.

At the last meeting, the general consensus was that only removable shutters are appropriate for this building. The LPC questioned whether replacing the existing windows with impact resistant windows would be a possibility, however, Ms. Lucia stated that the existing windows are in good shape. Mr. Smith stated, for the record, that the fact that this structure is landmarked is not increasing the level of review of these shutters, when , in fact, ARCOM would perform the same sort of review.

For the record, there was extensive discussion relative to these shutters. The LPC maintained that the presentation was insufficient in that there was no drawing which showed the elevations with shutters covering the openings. The applicant admitted that they misunderstood the LPC's direction relative to presentation of plans at this meeting. Ultimately, the LPC agreed to review the project elevation by elevation .

Let the record show that Mr. Hoffman left the meeting at 10:32 a.m.

SOUTH VIEW-GARAGE SIDE:
MOTION BY MRS. FROST-GOLINO FOR APPROVAL AS PRESENTED ON THE DIAGRAM FOR 2 ACCORDIONS, 1 REMOVABLE PANEL, AND THE REMAINDER IN ROLLING SHUTTERS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

SOUTH VIEW-POOL SIDE:
MOTION BY MRS. FROST-GOLINO TO DENY THE REQUEST FOR ROLLING SHUTTERS ON THE "H" WINDOW, WINDOWS 18, 19, 21 & 22, THEREBY APPROVING REMOVABLE PANELS ONLY.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. FROST-GOLINO TO APPROVE A ROLLING SHUTTER FOR DOOR #20 WHICH IS RECESSED ON THE FIRST FLOOR.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mrs. Grace left the meeting at this point.

WEST VIEW-INTRACOASTAL SIDE:
MOTION BY MRS. FROST-GOLINO TO APPROVE ROLLING SHUTTERS ON WINDOWS 11, 12 & 16, WITH A DENIAL OF ROLLING SHUTTERS ON ALL OTHER WINDOWS ON THIS FACADE.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED 6-1-0, WITH MRS. ALBARRAN DE MENDOZA CASTING THE NEGATIVE VOTE.

MOTION BY MRS. FROST-GOLINO TO APPROVE AN ACCORDION SHUTTER FOR WINDOW "D", A.K.A. WINDOW #1.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED 6-1-0, WITH MR. SMITH CASTING THE NEGATIVE VOTE..

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF AN ACCORDION SHUTTER AT OPENING #2ACC AT THE GROUND LEVEL.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED 6-1-0, WITH MR. SMITH CASTING THE NEGATIVE VOTE.

NORTH VIEW:
MOTION BY MRS. ALBARRAN DE MENDOZA TO DENY THE ROLLING SHUTTERS ON THIS FACADE.
MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

EAST VIEW:
MOTION BY MRS. FROST-GOLINO TO DENY ROLLING SHUTTERS ON THIS FACADE.
MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

I. Application for Certificate of Appropriateness #48-96,
Addition and Elevation Changes
Owner/Applicant: Mr. Richard Gray
Address: 340 South County Road
Designer: H. Gilbert & Associates
Project Description: Request approval to construct an addition, and elevation changes on the east and south elevations of the structure, and other associated changes as presented

Mr. Harry Gilbert returned to the LPC subsequent to last month's informal review of an addition to Gray's Mobil which will add new public restrooms, convenience store area, a storage area and an office. The existing service bays will remain intact. Facade revisions will be effected, including the addition of pre-cast columns. The roof will be re-painted the same color. Last month, Mr. Gilbert was advised to bring the landscaping for the site to the LPC.

Mr. Gilbert reviewed the elevations of the building. Presently, there is 86% hardscape at the site, and Mr. Gilbert reviewed the existing landscape material. The only additional landscaping will consist of replacing the hibiscus, planted in terracotta pots, with bougainvillea. The LPC requested that the pots be self-irrigating.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE PROJECT AS PRESENTED, WITH THE ADDITION OF THE BOUGAINVILLEA IN THE POTS WHICH WILL BE SELF-IRRIGATING.

MOTION SECONDED BY MRS. FROST-GOLINO.

Under discussion, Mr. Moore noted that as there is presently some melaleuca hedge material on the site, and the LPC can require that it be removed, should they desire. Mr. Moore also asked, for the record, who is the architect for this project. Mr. Gilbert replied that the architect is Josh Bennett. Ms. Shields stated that she would be very interested in seeing an entire landscape study for this site. Mr. Gilbert stated that he did not think Mr. Gray would object to doing more landscaping or removing the melaleuca hedge.

MOTION AMENDED BY MRS. ALBARRAN DE MENDOZA TO INCLUDE A DEFERRAL OF A LANDSCAPE PLAN FOR THE SITE.
AMENDED MOTION SECONDED BY MRS. FROST-GOLINO.
MOTION CARRIED UNANIMOUSLY.

J. Applicant for Certificate of Appropriateness # 49-96,
Color change
Owner: Robert Bustani
Applicant: Galaxy Grille
Address: 350 South County Road
Project Description: Request approval to change color of window mullions, and other associated changes as presented

Mr. Maurizio Ciminella returned to the LPC subsequent to last month's informal review of the matter. The window mullions had been sampled in aqua since that last meeting, but this color met with unfavorable public comment. Since then, the color has been changed to navy blue to match the awning color.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL IN NAVY AS PRESENTED.
MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

Additionally, Mr. Ciminella requested approval of a new UL approved copper wall mounted light fixture to illuminate the identification signage for the restaurant.

MOTION BY MR. PANDULA TO APPROVE THE LIGHTING AS PRESENTED.
MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mrs. Albarran de Mendoza left the meeting at this time.

VI. Other Business:

A. Possible additions to list of properties "Under Consideration" for landmark designation
145 Root Trail
201 El Bravo Way

Mrs. Jane Day, Staff Preservation Consultant, reminded the LPC members that next month will begin designation season, and copies of the Designation Reports for last season's two deferred properties, 150 Clarke Avenue and 142 Seabreeze Avenue, were distributed to the commissioners.

As for 145 Root Trail, a frame vernacular, and 201 El Bravo Way, a Volk Mediterranean Revival home, Mrs. Day proposed them for study for the upcoming season.

MOTION BY MRS. FROST-GOLINO TO PLACE 145 ROOT TRAIL AND 201 EL BRAVO WAY "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

Mrs. Day continued that with the individual properties on Golf Road, 277 Pendleton Avenue, the Sanford Avenue Scenic Vista, 145 Root Trail, and 201 El Bravo, there will be 15 properties for discussion during the 96/97 Designation Season.

B. Possible deletions from list of properties "Under Consideration" for landmark designation
318 Arabian Road
1565 North Ocean Way

Mrs. Day stated that both of these properties were placed "under consideration" in 1993. She has studied them, and feels they do not meet the Town's designation criteria as they have been altered and do not retain their architectural integrity.

Mr. Smith asked Mrs. Day to bring her slides of these two properties to the next meeting, prior to the LPC taking any action toward removing them from "under consideration" status.

C. **CHANGE OF MEETING DATE FOR NOVEMBER MEETING**

DUE TO SCHEDULING CONFLICTS FOR THE TOWN COUNCIL CHAMBERS, THE NEXT MEETING OF THE LANDMARKS PRESERVATION COMMISSION WILL BE HELD ON THURSDAY, NOVEMBER 21, 1996.

Also, a workshop sponsored by the Preservation Foundation had been tentatively scheduled to follow the November meeting. Due to various circumstances, the workshop will not be able to be held on that date. Mrs. Polly Earl, of the Preservation Foundation, commented that it might be best to delay the workshop until March, perhaps, until after Mrs. Day has completed her grant supported studies of the Town. The date for the workshop remains unscheduled at this time.

D. Request to Reconsider Application for Certificate of Appropriateness #46-96, 301 Australian Avenue

Mr. Moore stated, in this opinion, that the applicant in this case relied upon previous conversations with staff which led the applicant to believe that certain items listed on the application for conceptual review could and would be heard at this meeting. These items do, however, require Town Council action. The two items in question are the covered but open connector on the west side between the NW building and the SW building, and the extension of the entrance canopy.

Mr. Smith commented that the LPC has never done this in the past, when items require Town Council approval. Although he understands the applicant's position, the Town Council would not approve of an LPC review of these matters today.

MOTION BY MR. ROBERTSON THAT THE LPC NOT CONSIDER THESE ITEMS TODAY, AND TO STATE IT AS A MATTER OF POLICY THAT THE LPC WILL NOT REVIEW MATTERS, EITHER FORMALLY OR INFORMALLY, WHICH REQUIRE TOWN COUNCIL ACTION UNTIL SUCH TIME AS THAT TOWN COUNCIL ACTION HAS BEEN RENDERED.

MOTION SECONDED BY MRS. FROST-GOLINO.

ROLL CALL VOTE:	MR. ROBERTSON:	YES
	MRS. FROST-GOLINO:	YES
	MR. PANDULA:	YES
	MS. SHIELDS:	YES
	MRS. WILKEY:	YES
	MR. SILVERMAN:	YES
	MR. SMITH:	YES

MOTION CARRIED UNANIMOUSLY.

It was stated that there is nothing to preclude this applicant, or any other applicant, from contacting the LPC members on an individual basis to obtain the same sort of feedback the denied informal review would provide. Such a contact would merely be declared at the subsequent meeting date by the LPC member who was contacted.

In keeping with the above reference to permitted exparte communications, Mr. Moore stated, for the record, that when a member declares exparte communication, the member must identify who contacted them, how or where the contact was made, and the subject matter of the communication. This information must be stated into the record and recorded into the minutes of the meeting.

VII. Adjournment:

MOTION BY MR. SILVERMAN TO ADJOURN THE MEETING AT 11:35 A.M.
MOTION SECONDED BY MRS. FROST-GOLINO.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on THURSDAY, NOVEMBER 21, 1996 at 9:00 a.m. in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

11/1/96

Eugene Pandula, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH **ATTENDANCE RECORD (1996)**
With New Members

MEMBERS	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jeffery W. Smith	P	P	P	P	P	P	P	P	P	P		
Joanna Frost-Golino	P	P	P	P	P	E	A	P	P	P		
Eugène Pandula	P	P	P	P	P	P	P	P	P	P		
J.Albarran de Mendoza	P	P	P	P	P	P	P	P	P	P		
Arthur Silverman	P	P	P	P	P	P	P	E	P	P		
Lindley Hoffman	n/a	n/a	P	P	P	P	P	P	P	P		
Harrison Robertson	n/a	n/a	P	U	P	P	P	P	U	P		

ALTERNATES	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jane R. Grace	E	P	P	P	P	P	U	U	P	P		
Elizabeth Shields	U	P	P	P	P	P	P	P	P	P		
Sari M. Wilkey	n/a	n/a	P	P	P	P	P	P	P	P		

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

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (1996)
With new members

MEMBERS	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jeffery W. Smith	V3	VPD1 V2	VPD4	VPD3	VPD4	VPD1	VPD1	VPD1	VPD2	VPD2		
Joanna Frost-Golino												
Eugene Pandula	V1	VPD1	VPD1	VPD1	VPD1							
J. Albarran de Mendoza		V1	VPD1		V1	VPD1	VPD1					
Arthur Silverman												
Lindley Hoffman												
Harrison Robertson												

ALTERNATES	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jane R. Grace		V1										
Elizabeth Shields												
Sari M. Wilkey												

LEGEND: V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting
And so on...

VPD = Voting Conflict Previously Declared
(This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project. ONLY COUNT ORIGI DECLARED CONFLICT FOR ONGOING PROJECT PER JOHN C. RANDOLPH, TOWN ATTORNEY)

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

LAST NAME—FIRST NAME—MIDDLE NAME: SMITH JEFFERY	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE: LANDMARK'S PRES. COMMISSION
MAILING ADDRESS: 241 SANFORD AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: X CITY ; COUNTY ; OTHER LOCAL AGENCY
CITY: PALM BEACH — COUNTY: P.B.	NAME OF POLITICAL SUBDIVISION: TOWN OF P.B.
DATE ON WHICH VOTE OCCURRED: 3.20.96 / 9/21/96 / 10/16/96	MY POSITION IS: ; ELECTIVE ✓APPOINTIVE

Minutes [redacted]

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. 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.

1100 S. OCEAN BLVD. CoA #18-96

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, JEFFERY W. SMITH, hereby disclose that on 3-20, 19 96:

(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 _____, by whom I am retained.

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

I AM RETAINED BY MRS. A. DE MOSS WHO OBJECTS TO THE PARKING AND TENNIS COURTS AT MAR A LAGO.

Conflict re-stated at 9/21/96 meeting regarding CoA#42-96.

Conflict re-stated at 10/16/96 meeting regarding CoA #42-96 and CoA#44-96.

3.20.96
Date Filed

J Mans
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