

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, SEPTEMBER 21, 2005 AT 9:00 A.M.

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

I **Call to Order:** Chairman Pandula called the meeting to order at 9:05 a.m.

II **Roll Call:**

PRESENT:

Eugene Pandula, Chairman
Judy Hoffman, Vice Chairman
Wendy Victor, Secretary
Ann Blades, Member
Patrick Segraves, Member
William Lee Hanley Jr., Member
Robert T. Eigelberger, Member
Eileen Bresnan, Alternate Member
Gail Coniglio, Alternate Member
Hazel Rubin, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the August 17, 2005 Meeting:**

MOTION BY MRS. VICTOR FOR APPROVAL OF THE MINUTES.

**MOTION SECONDED BY MR. HANLEY AND MRS. BLADES
SIMULTANEOUSLY.**

MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:** By Mrs. Delp

At this point, Mr. Pandula noted that there has been a request by staff to move to "Other Business".

VI Other Business:

Mrs. Day, Staff Preservation Consultant, stated that "it has come to the attention of staff that the Town of Palm Beach is about to lose a potential historic landmark." She asked the commission for permission to proceed with an emergency designation hearing. Chairman Pandula asked that Ms. Day proceed.

MRS. DAY: Robert L. Moore...It has come to our attention that Robert L. Moore qualifies for designation as a landmark of the Town of Palm Beach. Born on February 1, 1944 in Boston, Massachusetts, Bob Moore is one of a kind. The son of Dr. Robert L. Moore, an orthopedic surgeon, and Edith Moore, a landscape architect, an ordained minister, Bob has one younger brother, Brad. His grandparents were early settlers in Gulfstream, Florida. Bob seems to have inherited his grandparents love of Florida and according to the PZ&B staff, his father's illegible medical penmanship. As a young man, Bob was educated at the Eaglebrook Academy in Deerfield, Massachusetts, and later attended Staunton Military Academy in Staunton, Virginia. He earned both a Bachelor's degree and a Master's degree in Business Administration from Barry University in Miami, Florida. Standing tall at 6'1" with blue eyes and a full head of hair, Bob is a presence to be reckoned with. (Just ask Skip Randolph what happens when Bob "hangs out his shingle" and becomes "Attorney for the Day.") A natural "Mister Fix-it," according to his wife, Marjorie, Bob loves Hawaii and Nantucket, horseback riding, and, of course, Ketchup. Legend has it that his standard order at Taboo is a steak sandwich, medium rare, no onions, but smothered with Ketchup. This meal is topped off with Key Lime pie, his favorite dessert. (It is also rumored, though not confirmed by this historian, that Bob even puts Ketchup on lasagna.) Because Bob loves a good joke and an interesting story, it is natural that he is also a good storyteller. But, Bob has also worked hard at the most difficult aspect that leads to landmark status. By not adding any inappropriate additions (pounds) to his 61 year old frame, he meets the criteria of architectural integrity with ease. Therefore, because Robert L. Moore maintains his good humor, his team spirit, and sense of integrity, it is staffs' opinion that he qualifies for a landmark of the Town of Palm Beach.

And we'd like to designate Mr. Moore under two criteria under Chapter 54 of the Code of Ordinances:

Criteria (a): He "exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town": It's hard to imagine Palm Beach and the Planning Zoning & Building Department without the input of Robert L. Moore. His influence on the Town from 1981 until his retirement in 2005 will forever set the standard for a citizen friendly, team playing department that tackles problems (like the Miami Dolphins did in their one perfect season) solving problems in a timely manner, while maintaining harmony in a stressful environment.

And Criteria (c): Mr. Moore "embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.": There is only one Bob Moore and will never be another. He will be missed by his staff, admired by his advocates and remembered by his foes. He made a difference. As such, his tenure as the Director of the Planning, Zoning & Building Department is inherently valuable for study and clearly fulfills criteria (c). He is the kind of boss who makes a

whole department and the Landmarks Commission stand up and applaud.

Mrs. Day presented a slide presentation of some historical photos of Mr. Moore, as provided by David Rogers of the *Palm Beach Daily News*.

MRS. DAY: Bob, we really want to thank you for everything that you've done for staff. It's been a pleasure working with you, and I think you really do qualify as a landmark of the Town of Palm Beach. Once more, before we're finished, we have some expert testimony and we'd like our expert to come to the podium and read a few statements.

MRS. DELP: For the record, my name is Cindy Delp. I am the Office Manager of the Planning, Zoning and Building Department and Secretary to the Landmarks Preservation Commission. Chairman Pandula, Members of the Landmarks Preservation Commission, staff members and members of the public: My qualifications as an expert witness in this landmark designation hearing rest in the fact that along with Harry Ackerman, Assistant Building Official, and Tim Wright, Chief Electrical Inspector, I have had the pleasure of serving under Robert L. Moore for the past twenty years. During my tenure with the Town, Bob has asked me to use my writing skills on more than one occasion to make a point or fight for a cause. In that spirit, it is my distinct pleasure to provide these remarks to you today as the most sincere testament of the employees who serve under him in the Planning, Zoning and Building Department. I must tell you that the employees began to grieve on that very sad day a few months ago when we were informed that September 30th would be Bob's last day at the Town of Palm Beach. Now, as his last days with us are drawing to a close, it is important to explain to this board and to the citizenry of this town, as a whole, why we feel this way about this man. My voice is trembling a little. This is emotional. Bob has been so much more than a boss to us. He's been a friend, a father, a confidant and a counselor. He has allowed and encouraged us to become a family, to form strong co-worker relationships, to relax in friendship and laughter in the workplace, and yet, to work hard together as a team, in less than perfect circumstances. Twenty years have taught me that you have to be made of tough stuff to survive and thrive in the Planning, Zoning and Building Department. Bob has been the patriarch of this family, doling out criticism when required, but more often praising us like a proud father. We know, without a doubt, that he appreciates us and the work we do for him and for the Town. Under his leadership, the Planning, Zoning and Building Department has grown and flourished as a thriving department, albeit, enterprise within the Town's government. His management style is simple and pure, and it works...provide the training necessary to do the job, permit the employee the autonomy to do the job, and provide assistance wherever needed. We, the employees, remain loyal and accountable to him, and likewise, he has always assumed full accountability for our actions, standing behind us, supporting us, keeping us strong. Bob's leaving opens a large void within our PZ&B family, together with the realization that we know that it will never be the same without him. Please understand that this man has earned the utmost respect and admiration of his employees. He has left his mark on the Town of Palm Beach, on its boards and commissions, on the Planning Zoning and Building Department and on a very loyal staff who were so happy to have served under him. So, landmark him? Oh, yes, and then lavish him with your thanks and praise for a job so well done.

Mr. Frank read the designation criteria into the record for a second time, and stated that staff

recommends this designation.

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

MR. EIGELBERGER: When Bob came here in 1981, I was on the Landmark Commission in 1979, so I think that more than any other person in this room, as far as a public official goes, I've known Bob for twenty-four years, and in all those years, through development causes, the Warden House, Bienestar, all sorts of projects, the Landmark Commission, before in the early 80s when you first came here to today when I'm back on the Landmark Commission, Bob has been astonishing...in every problem I've ever had....he stood up for the Landmark Commission ...he stood up for all of the projects that we've done, and **I MOVE THAT THIS REPORT BE PART OF THE OFFICIAL RECORD** (*considered the second to the motion*), big guy.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. VICTOR TO RECOMMEND ROBERT MOORE FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY WITH APPLAUSE.

Mr. Moore expressed his heartfelt thanks for this honor. He stated that he will continue to work for the Town on a limited basis as a consultant. He noted that the person who will take his place will inherit a wonderful staff. Mr. Moore recognized Mr. Randolph as his mentor, and thanked everyone again. Staff presented Mr. Moore with a landmark plaque. At this point, there was a ten minute break for all present to congratulate Mr. Moore and to enjoy some refreshments.

The meeting was reconvened at 9:35 to hear the noticed agenda items.

V Public Hearings:

- A. Application for Certificate of Appropriateness #21-2005 (deferred from August)
Restoration, Addition to historic structure, Demolition (interior and exterior)

Owner: F.G. Howard Jr. Enterprises

Applicant: Mr. Frank Howard

Address: 209 Seaspray Avenue

Architect: SKA Architect and Planner

Project Description: Request approval for restoration, addition to historic structure, demolition (interior) and demolition (exterior) which is further described as: This is a restoration and addition to the structure, including the demolition of the bedroom and bath from the 1966 addition, as well as the pool. The additions will include new bedroom and bath and a library. First and second floor additions will include a new master bedroom and master bath. There will also be an additional space addition to the existing bedroom. Restoration will include new kitchen, baths, interior finishes and material restoration of guest suite above garage. There will also be a new pool, pool deck and new landscaping. Other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.

Mr. Hanley and Mrs. Blades individually met with the architect at the site. Mrs. Coniglio and Mrs. Rubin individually met with the architect. Mrs. Victor met with staff. Mr. Pandula met with the architect at his office.

Please note that at the August meeting, this project was deferred to September for further study.

Please note that Mr. Segraves had previously declared a Conflict of Interest with respect to this hearing as he is the architect of record. (Voting Conflict form on file) As such, Mrs. Bresnan will vote in his stead.

Architect Pat Segraves noted that the homeowner was present in the audience. As a result of comments heard last month, Mr. Segraves reviewed the revised site plan and elevations for the project.

Mr. Frank offered staff comments relative to the revised plans. He noted that the fans above the windows are elements which are not evidenced anywhere else on the house; the muntin plan of the fans does not match the windows below, and these should be corrected to match; the parapet on the addition should be lowered (with no effect to ceiling height) together with changing the fans to stucco recesses; and, basically, to remove the arched windows in the front and back in favor of following the same stucco relief pattern of the other windows. Mr. Segraves had no problem with adopting these recommendations. Mr. Pandula noted that a window is missing on the elevations at the master bedroom. That window should match the window below it on the first floor.

Mrs. Day added that this is a tax abatement project for the additions which are beyond the scope of the original tax abatement. She noted that this is not a strict renovation, but instead is a rehabilitation which adds square footage. She felt it was good that the revised plans show the library wing pulled back from the main facade so it can more easily be distinguished from the original, and that the other additional square footage was moved to the rear behind the loggia.

Mrs. Victor noted that the laundry room is very close the front door and that presents noise concerns. Mrs. Day responded that the laundry room location is not the best solution, but the major public rooms, i.e, the living room and dining room, have been kept in their original locations. These public rooms have been the major concern of the LPC with regard to tax abatement projects. Mr. Segraves noted that the laundry room is not accessible from the front door. In short, Mrs. Day stated that it is better preservation to keep the west facade fenestration intact than to move the laundry and change the fenestration.

Mr. Hanley and Mr. Pandula agreed that the project has been greatly improved since the presentation last month. Mr. Pandula again requested that the parapet be lowered by about eighteen (18") inches.

MOTION BY MR. EIGELBERGER TO APPROVE THE PROJECT WITH THE PROVISIO THAT THE ARCHITECT EFFECT THE CHANGES RECOMMENDED BY STAFF RELATIVE TO LOWERING THE PARAPET HEIGHT AND CHANGING THE TRANSOMS OVER THE FRENCH DOORS TO RECESSES.

**MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

B. Application for Certificate of Appropriateness #22-2005,

Motorcourt & driveway

Owner/Applicant: 260 Via Bellaria LLC

Address: 260 Via Bellaria

Architect: Robert L. Bell

Project Description: Request approval for new motor court/drive which is further described as: No changes are to be made to the landmarked building in this application. Request made is to construct new entry drives and motorcourt off of Via Bellaria at the existing residence location. Existing gates and columns added in 1940 will be retained. New retaining walls with stucco finish to match will be constructed as well as a pair of new stairs up to existing entry. Railing material will be of aluminum with design to match existing grillwork. Finish of motorcourt will be coquina/stone depending on availability. Other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Rubin visited the site.

Please note that this project was reviewed informally at the August meeting in conjunction with Variance #33-2005.

Architect Robert Bell returned to the commission and gave a short summary relative to this project which the LPC had seen several times. Mr. Pandula raised a questions about the portion of the project description stating that the motorcourt would be surfaced in coquina/stone "depending on availability." Mr. Frank recommended that the LPC specify the material to be installed, rather than leaving the matter to the architect's discretion.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PROJECT USING ORIGINAL COQUINA FOR THE MOTORCOURT, ALUMINUM RAILINGS IN THE SAME COLOR, AND MATCHING STUCCO SURFACES, AND THAT THE ADDITIONS WILL MATCH THE COLOR OF THE EXISTING BUILDING.

**MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #23-2005,
Landscape/Hardscape

Owner/Applicant: The Preservation Foundation of Palm Beach, Inc.

Address: 356 South County Road

Architect: Edward D. Stone and Sanchez & Maddux

Project Description: Request approval of landscape/hardscape which is further described as: Earl Smith Park received substantial hurricane damage to its landscaping. The work to be performed will restore the landscaping to its pre-hurricane condition. The landscaping will beautify the park and the plans submitted represent the already existing "as is" hardscape and previous landscape. Other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.: Mrs. Rubin met with Neil Schuler at the Preservation Foundation to review the plans.

Mr. Reg Stambaugh, Executive Director of the Preservation Foundation, Mr. Daryl McCann of Sanchez & Maddux and Neil Schuler of the Preservation Foundation presented this request. Mr. Stambaugh noted that the landscape material in the park had been damaged in last year's hurricanes.

Mrs. Victor commented that the plans to review today were not in the file when she reviewed the backup documents. Mr. Stambaugh indicated that the plans were received by the Town in a timely fashion. Mr. Schuler added that he had met with Mr. Frank last Thursday and submitted the plans at that time, paying a \$50 fee. Mr. Pandula noted that the revised drawings were not in the Certificate of Appropriateness file for the Chairman's review at the pre-meeting meeting on Monday of this week. Mrs. Delp clarified that the plans Mr. Schuler was referring to must have been a staff approval reviewed by Mr. Frank, but those were not in the Certificate of Appropriateness file. In fact, the plans being presented today were submitted on Monday, after the pre-meeting meeting with the Chairman. None of this would preclude the project from being reviewed today, however.

Mr. McCann reviewed the plant material as shown in the current plan. The new plan shows two Canary Island Date Palms which have been added to the southeast and southwest corners. Also, potato trees have been added to shade the benches. Fishtail palms will be used to create a divider from the property to the north. The existing ficus hedge will be retained along that north border as well to provide a lower level planting. No lighting is anticipated at this time.

Mr. Eigelberger suggested that the ficus hedge will not survive on the north side in shade. He also maintained that the Canary Island Date Palms are too massive for the size of the park, and would provide too much shade to the potato trees, inhibiting their blooms. He felt that the potato trees are common, like weeds, and will drop purple flowers everywhere.

Mrs. Delp administered the oath to Mr. Neil Schuler, who testified that he was not aware that both the ficus and the fishtails would be located on the north border. Mr. McCann responded that while the fishtails are growing, the ficus hedge will provide the desired buffer between the park and the parking lot.

Mr. Eigelberger reiterated his stand that the Canary Island Date Palms are out of proportion with the park and will shade the park so much that other lower plants will not get enough light. On the north border, the fishtails are more preferable to the ficus, since the ficus will not likely survive. Further, he asked that the potato trees, which will prove to be a maintenance problem with dropping flowers, be reconsidered.

**MOTION BY MR. EIGELBERGER FOR DEFERRAL FOR RE-STUDY.
MOTION SECONDED BY MRS. VICTOR.**

Mr. Moore posed the question as to who really owns the ficus hedge on the north side of the property. He stated that he believes that the existing ficus hedge belongs to the property owner to the north, and it is required that it remain bordering the parking lot. He cautioned the applicant that their proposed plantings cannot cause the demise of existing ficus hedge. As such, he agreed that a deferral is in order. Mr. Moore also asked the applicant if they have shown this plan to Mrs. Lesly Smith as yet. The applicant admitted that the plan has not been shown to Mrs. Smith to date.

Mr. Stambaugh thanked the commission for their comments. He stated that he was glad that they had made the extra effort to plant grass in the park and irrigate it, since they are still in the design phase for the landscaping. While Mr. Stambaugh requested an approval with the proviso that any changes be brought back to the LPC, Mr. Pandula noted that the commission's comments are directed to the heart of the design, and as such, the deferral is in order.

MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness #24-2005,
Landscape/Hardscape/Windows
Owner/Applicant: Glenn & Diane Zeitz
Address: 142 Seabreeze Avenue
Architect: James C. Paine, Jr.
Project Description: Request approval for landscape/hardscape including new pool and limited window replacement/relocation. This application proposes additional changes to an existing landmarked property that is currently being renovated in accordance with Certificate of Appropriateness #20-2004 issued on October 20, 2004 by the Landmarks Preservation Commission. The application seeks approval for the following changes to the property, in addition to the currently approved changes listed on the Certificate of Appropriateness: In the rear yard, a new pool and surrounding patio. Patio to be a combination of old Chicago brick and lighter colored, textured pool decking. On the free standing two story accessory building to the west of the proposed pool and deck, replace approved pair of windows facing pool area (East elevation) with French doors, replace approved French doors facing street (North elevation) with windows to match windows above. More simply stated, this is a request to switch the position of previously approved French doors and pair of windows. Within the main structure second floor interior, renovate the existing northwest corner bedroom into a master bath and closet complimenting the master bedroom on the southwest

corner. No exterior changes proposed in this area. Please note that the renovations currently either completed or in progress under current Certificate of Appropriateness and Town building permits include a new roof, new wiring throughout, structural improvements to damaged or non code compliant structural components, new kitchen/laundry area, window/door replacement and adjustments (rear yard only) and various new finished, interior and exterior. Other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Pandula had a telephone conversation with Mr. Paine.

Mrs. Day reminded the LPC that this is a tax abatement project started by the previous owners. Mr. Paine has already completed the tax abatement application for the new owner.

Mr. Paine noted that the owners, Glenn and Diane Zeitz were present today for this hearing. They plan to proceed with all of the changes approved under the CoA granted in October 2004 with some minor changes which will be presented today. Mr. Paine stated that the new owners plan to do a pool and deck, as shown on the site plan. Because of the pool, however, they need to reverse the position of some windows and french doors on the accessory building. Also, they plan some interior alterations on the second floor of the main house, i.e, renovating two bedrooms into a master suite.

Mrs. Day stated that although the interior matters when the project is a tax abatement project, staff supports the requested changes as a good solution for the property.

MOTION BY MR. EIGELBERGER FOR APPROVAL.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

Even though approval was already given, Mr. Paine reviewed the elevations of the accessory building for the benefit of the commission. Mr. Paine also noted that the previous owner was left to search for better sconces at the front door. This owner would like simple copper lanterns at that location. Mr. Pandula advised that when the fixture is selected, it should be brought to staff to determine if it can be given staff approval, or if it requires commission approval. Mr. Paine also noted, for the record, that while today's proposal shows paddle fans for the front porch, after consideration, the owner decided to eliminate them.

VI **Other Business:**

- A. Informal Review: 5 Middle Road (in conjunction w/Variance #35-2005)
Variance for driveway exit gateposts

The applicants are seeking a variance to allow a 12.33 foot setback for a driveway gate (exit only) in lieu of the 18 foot minimum required by Code. The purpose of the request is to allow for the Glazers, on property which is landmarked and contains significant vegetation which the Glazers went to great extent and expense to preserve after the hurricanes of 2004, to maintain that vegetation by placing the automatically controlled exit gate to set back from the curb line

12.33 feet in lieu of 18 feet. It is important to note that the request is for an "exit only" and not an entrance gate. If the required 18 foot setback were invoked, the Glazers would be required to remove a large tree which they are seeking to preserve on their Landmark property.

Mrs. Delp administered the oath to Attorney Frank Lynch and Architect Tom Kirchhoff who presented this informal request in advance of the October Town Council hearing to review the requested variance. Mr. Lynch explained the project, as listed above.

Mr. Frank read a letter into the record from Mrs. Florence Chase at 10 Middle Road. Mrs. Chase is the neighbor across the street from 5 Middle Road, and her letter objected to the project as designed as it would cause a hardship to her and because there are other design alternatives available than the one being requested.

Mr. Frank stated that it is staff's opinion that the variance, if granted, would not have a significant affect on the property, but if the property can be gated without requiring a variance, that should be done. The gate in question can be positioned to slide to the south, thereby eliminating the need for a variance.

Mr. Kirchhoff responded that if the gate slides to the south, the gate motor would be blocking the front entry flower garden. Sliding the gate to the north makes it disappear into landscaping.

Mr. Segraves commented that he would prefer to see the gates on the same plane. Mr. Pandula commented that the positioning of the gates has no aesthetic affect to the landmark, but they could certainly be re-positioned to meet code.

Mr. Paul Castro, Zoning Administrator, addressed the commission. He stated that he visited the site, and it is unfortunate that the site and driveway were designed in such a way that it would not meet code with the gates in the desired location. He explained that there are other design alternatives available which meet the setback, i.e., with the gates on the outside of the pillars instead of on the inside of the pillars, with the ability to slide to the north just to the west side of the tree. Mr. Castro stated that the neighbor to the west came to the Planning Zoning & Building Department to meet with staff as she was very concerned with persons blocking the right of way in attempting to enter the "exit only" gate.

After discussion, the commission determined that the LPC has no aesthetic or landmark issues with the gates, but the LPC believes that the gates can be positioned to meet code.

Mrs. Blade inquired as to the status of the **Four Arts Sculpture Garden** project. Mrs. Victor stated that she was aware that the work had been stopped due to a problem with a handicap permit and problems with the contractor. Mr. Pandula noticed that work was progressing in the last week.

Mrs. Blades commented that the LPC had approved plans for **Grey's gas station**, within the Town Hall Square District, but it has been recently sold. She inquired as to the status of the work. Mr. Frank stated that the Certificate of Appropriateness (CoA) is valid for one year, and

work must commence within that year to be covered under the CoA. The applicant could also apply for an extension of the CoA, should that be necessary.

Mrs. Victor brought up the subject of the **Seagull Cottage**. She questioned whether it was true that there is an agreement which would prevent the Seagull Cottage from being landmarked on its present site. Mr. Randolph did not believe that this was specifically stated in the agreement. He stated that the agreement stipulates that the cottage would be landmarked until 2008. Mr. Eigelberger recalled that when it was placed on the Chapel's land, there was no intent for the cottage to stay there forever. It was placed there on a temporary basis in order to preserve it for the next twenty-five years, and was landmarked for that time period. He did not feel that the LPC could landmark it in its current location and force the Chapel to keep it. Mr. Randolph stated that he could not render a legal opinion on this matter as he serves on the Chapel's board.

Mr. Stambaugh agreed that the Chapel site is truly a temporary site for the cottage. The Royal Poinciana Chapel encourages moving the cottage to preserve the building. Mr. Stambaugh stated that the Preservation Foundation feels that Bradley Park may be a good location for the cottage, and it may enhance the park.

Mrs. Victor noted that the LPC's mission is to determine the best preservation solution for the cottage, and that may, in fact, be in its current location. That would place Henry Flagler's first residence (Seagull Cottage) next to Flagler's eventual home (Whitehall).

Mr. Moore recalled that the Seagull Cottage, when originally on the Breakers Hotel property, was in the way of Breakers Row II. As such, the Breakers Hotel wanted to tear it down. The Royal Poinciana Chapel rescued the cottage at the expense of the Preservation Foundation. The cottage was cut in two and moved across the golf course to the chapel's property. The chapel agreed that the cottage would be there for only twenty-five years. Mr. Moore noted that staff has researched moving the cottage by barge to the site of the Little Red Schoolhouse. It would cost approximately \$3,000,000 to move it, and state approvals for this move would be very difficult, if not impossible, to obtain. Staff asked the Breakers if they would take the cottage back, but they declined, as did the Flagler Museum's board. Despite the fact that Bradley Park may not be the ideal location for the cottage, it is a possible location. As such, the plan is for the public to vote on a green space referendum to move the cottage to Bradley Park. Mr. Moore recommended that the LPC and the Town not force a landmarking attempt on the Royal Poinciana Chapel.

Mr. Eigelberger asked if there was a way to move the Town's Pump Station at Bradley Park to another location, if the cottage moves there. Mr. Moore stated that this is a master pump station and cannot be moved. The area can, however, be cleaned up, and the LPC could recommend an improved landscape plan. Mr. Eigelberger felt that the building would not be used if it is moved to Bradley Park. Mr. Moore replied that the building, if moved to Bradley Park, could only be used for Town purposes or residential use, not for any commercial enterprise.

Mrs. Day stated that when the Seagull Cottage was brought up at the last Town Council meeting, the Town Council unanimously decided on the referendum. Mr. Elwell requested that, between now and the referendum, that the Preservation Foundation and the LPC develop some sort of program for the cottage, if moved to the Bradley Park site. Such considerations would be orientation of the building, use of the building, and aesthetic concerns. She suggested that the LPC authorize staff to work with Mr. Stambaugh to brainstorm this issue, and then return to the LPC with a proposal which might then be forwarded to the Town Council. Mrs. Day noted that there are community education grants, available through the state, for such causes. The grant deadline is December 15, 2005.

Mr. Eigelberger expressed his preference for incorporating the existing pump station building with the cottage; cleaning up the area around the pump station; and, hiring an architect to site the cottage on the parcel in various locations and provide visuals of the various options.

Mr. Stambaugh stated that Mr. Frank had suggested that there be a joint workshop with the LPC and the Town Council to decide on a location for the Seagull Cottage. Mr. Moore recommended that such a request be placed in writing to the Town Manager.

Mrs. Coniglio commented that while she is 100% in favor of preserving Seagull Cottage, she is extremely disappointed with the Breakers and the Flagler Museum. She hoped that some pressure could be applied to the Flagler Museum to accept the building. Mrs. Coniglio noted that parking and intensity of use are real issues at the Bradley Park location.

Mr. Eigelberger questioned whether someone might like to purchase the cottage as a private residence. Again, he expressed concern that the building, in order to thrive, must be used on a regular basis, not just for once per week events.

Mr. Pandula pointed out that time has provided a shift of opinion relative to this building. He stated that two years ago no one wanted the building, and now, everyone wants to preserve it. This provides an excellent opportunity to develop a good plan to preserve the life of this important building. Mr. Stambaugh pledged that the Preservation Foundation is committed financially to pay for moving, restoring and maintaining the 1,700 square foot cottage.

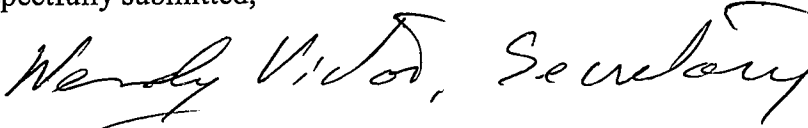
Mr. Eigelberger and Mrs. Victor suggested other locations for the cottage, i.e., Tangier Park, the Town's Palmo Way Nursery, and the area known as the Wrightsman park.

VII Adjournment:

MOTION BY MRS. BLADES TO ADJOURN THE MEETING AT 11:25 A.M.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on **WEDNESDAY, OCTOBER 19, 2005** at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendy Victor, Secretary". The signature is written in dark ink and is positioned above the typed name.

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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>			
Ann Vanneck	<u>P</u>	<u>P</u>	(n/a-terms expired)									
Ann Blades	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>U</u>	<u>P</u>			
Jack Pyms	<u>P</u>	<u>P</u>	<u>E</u>	(Resigned 3/29/05)								
Judy Hoffman	<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>P</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>			
Wendy Victor	<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>			
William Lee Hanley Jr.	<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>			
Robert Eigelberger				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Robert T. Eigelberger	<u>P</u>	<u>P</u>	<u>P</u>	(Promoted to regular member)								
Eileen L. (Morris) Bresnan	<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>			
Gail L. Coniglio	<u>n/a</u>	<u>n/a</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
Hazel Rubin	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</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 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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Eugene Pandula	(1) <u>VPD1</u>						(1) <u>VPD1</u>	<u>VPD1(2)</u>				
	<u>V1(2)</u>	<u>V1(3)</u>										
	(1)421 Peruvian Avenue, (2)442 Seaspray Avenue,(3) 822 South County Road											
Ann Blades												
Jack Pyms			(Resigned 3/29/05)									
Judy Hoffman												
Patrick Segraves								<u>V1</u>	<u>VPD1</u>			
Wendy Victor												
William Lee Hanley Jr.												
Robert T. Eigelberger												

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/04	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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Robert T. Eigelberger				(promoted to regular member)								
Eileen L. (Morris) Bresnan												
Gail L. Coniglio												

Hazel Rubin

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)

Minutes
Member

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

LAST NAME—FIRST NAME—MIDDLE NAME SGR RAO S PATRICK		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 204 PHIPPS PLAZA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE OF WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH	COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED 8/19/05 & 9/21/05		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

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, PATRICK SEGRAVES, hereby disclose that on AUG 17, 05, 19__

(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:

A AM THE ARCHITECT FOR THE PROJECT
AT 209 SEASPRAY AVE, PALM BEACH, FL.

**Also for meeting 9/21/05 at which time this matter was also discussed.

Date Filed

Aug 19, 05

Signature

Patrick Segraves

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRE 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.