



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, APRIL 19, 2006 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 9:03 a.m.

II **Roll Call:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley Jr., Vice Chairman
Wendy Victor, Secretary
Judy Hoffman, Member
Patrick Segraves, Member (arrived at 9:06 a.m.)
Robert T. Eigelberger, Member
Eileen L. Bresnan, Member
Gail L. Coniglio, Alternate Member
Hazel Rubin, Alternate Member
D. Imogene Willis, Alternate Member
John C. Randolph, Town Attorney
Veronica B. Close, Director of Planning, Zoning & Bldg. Dept.
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant

ABSENT: None

Recording Secretary: Cynthia M. Delp

III **Approval of the Minutes of the March 15, 2006 Meeting:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.

MOTION SECONDED SIMULTANEOUSLY BY MRS. CONIGLIO AND MRS. VICTOR. (Mrs. Coniglio was a voting member for approval of the minutes since Mr. Segraves had not yet arrived.)

MOTION CARRIED UNANIMOUSLY.

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

VI Public Hearings:

A. Application for Certificate of Appropriateness #1-2005

Color change

Owner/Applicant: Avram and Jill Glazer

Address: 5 Middle Road

Architect: Thomas M. Kirchhoff

Project Description: Request approval for exterior color change which is further described as: Change color of louvered bahama and colonial shutters, Porter Paint 706012 Dusty Aqua; change color of balcony railing to match shutter color; and, color of new previously approved driveway gates to match railing and shutter color, and other associated changes as presented

Let the record show that a court reporter, Patricia Lanosa was present to transcribe this hearing at the request of the applicant.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Coniglio stated that she had spoken to the architect. Mrs. Bresnan stated she spoke to the owner. Mr. Hanley stated that he had spoken to the architect some time ago.

Please note that at the March 15, 2006 meeting, there was a motion to approve the color of the shutters and the stucco exterior, but there was also a motion to defer the color of the gates to the April meeting to enable the applicant to return with some alternatives.

Architect Tom Kirchhoff and Attorney Frank Lynch returned to the LPC today pursuant to the motion for deferral at last month's meeting. Mr. Kirchhoff stated that after further consideration, the applicant is still requesting approval of the aqua gates, as they exist, to match the color of the shutters which had been approved last month.

Mr. Eigelberger commented that his opinion has not changed; that he does not like the aqua gates. Mrs. Victor asked the applicant's representatives if they could cite any other examples of such gates. Attorney Frank Lynch responded that similar gates can be found at 89 Middle Road and on Barton Avenue. In addition, he presented two letters for the record, one from the neighbor to the east, Robert Wood, and the second from Mrs. Chase at 10 Middle Road, wherein both neighbors support the aqua gates as they exist. Mr. Lynch also mentioned the letter from Dr. Curl, likewise in support of the aqua gates, which had been submitted into the record last month. Mr. Lynch stated that Mr. Glazer had asked him to thank the commission for their assistance in the renovation of the house, but Mr. Glazer wanted the commission to know that painting the gates aqua was their personal choice. Mr. Glazer had also noted to Mr. Lynch that color is not given much consideration in the Landmarks ordinance. Mr. Lynch recalled that Mrs. Day, at last month's hearing, was not concerned with the color of the gates.

Mr. Eigelberger reminded the applicant that the aqua gates were installed, but were not approved by the LPC. He felt it makes no sense to match the gate color to the shutter color.

Mrs. Bresnan commented that Dr. Curl's letter and Mrs. Day's expressed opinion carry great weight. She asked that Dr. Curl's letter be read into the record and Mr. Frank obliged that request. Mr. Frank also read a letter of support from John Mashek into the record.

Mrs. Day quoted from a document entitled "New Exterior Additions to Historic Buildings," published by the National Parks Service in 1986: "Does the proposed addition protect the historical significance by making a visual distinction between old and new?" Mrs. Day commented that the gates are new, and the color change makes it clear that the gates are not original.

Mr. Pandula reminded that the gates were painted before they were approved. He did not like the aqua color itself, but felt it was fine on the building. He stated that it is better to leave the gate color as it is, rather than introduce yet another color. Mr. Hanley agreed with Mr. Pandula, and added that this is a matter of taste. It was unfortunate that the painting occurred prior to LPC approval. Personally, Mr. Hanley felt that the color is glaring and takes your eye away from the building, but it apparently does not bother the neighbors. He did not feel the LPC was to dictate taste.

MOTION BY MRS. BRESNAN TO APPROVE THE COLOR OF THE GATES AS PRESENTED.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED 4-3, WITH MRS. HOFFMAN, MRS. VICTOR AND MR. EIGELBERGER VOTING AGAINST THE MOTION.

B. Application for Certificate of Appropriateness #2-2006

Landscape/hardscape

Owner/Applicant: Society of the Four Arts, Inc.

Address: 1-2 Four Arts Plaza

Architect: Morgan Wheelock, Landscape Architect

Project Description: Request approval for landscape/hardscape which is further described as: This is a follow-up from our previous presentations at Landmarks Preservation Commission (Certificate of Appropriateness #10-2004 and #2-2005) for the preliminary landscape. We are requesting a meeting to present the final landscape plan to the LPC. We will be presenting the final landscape for the Society of the Four Arts in 2 separate meetings. This presentation will be for the final tree, screening and palm plan. This plan will show the tree and palm placement and species, as well as screening material to be used. We will return to the LPC once again to present the final understory planting plan once we receive confirmation of availability of the plant material. Other associated changes as

presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

**Please note that this is Part 2 of the Certificate of Appropriateness,
for presentation of the final understory planting.**

Mr. Skowron stated that the upper story plantings were approved last month. Work is proceeding aggressively down Royal Palm Way now. Next week, a large Banyan tree, now in the parking lot, will be relocated. Mr. Skowron reviewed the understory plant materials for the commission.

Mr. Eigelberger stated that this garden is a living landmark, and the landscape professionals must be given some leeway in changing out a plant here and there, should the need arise. He stated that the Morgan Wheelock Inc. design is brilliant as approved.

Mr. Pandula agreed with Mr. Eigelberger's comments, and stated that the garden, even in its incomplete state, is already contributing to the community.

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

The garden is scheduled for completion in June.

C. Application for Certificate of Appropriateness #3-2006
Change of roof material

Owner/Applicant: Mr. James Harpel

Address: 1102 North Ocean Boulevard

Architect: Smith Architectural Group, Jeffery W. Smith

Project Description: Request approval of roof material change which is further described as: Request permission to change roofing material from clay tile to slate. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

The property owner, Mrs. Jane Harpel, and Jeffery W. Smith, Architect, presented this request. Mrs. Harpel thanked the LPC for their assistance with the approval of the renovation/addition project at 1102 North Ocean Boulevard. At the March 15, 2006 meeting, there was an informal discussion relative to this proposed change in roof material from red clay tile to grey slate. Mrs. Harpel stated that, today, she was prepared to provide sufficient evidence to substantiate their request for a change in roof materials. Mrs. Harpel stated that research of other Volk homes has demonstrated that slate is a very appropriate roof material for this house. She reviewed the history of the house, cited other Volk homes with grey/dark roofs and comparative landmark

① homes which have similar roofs to the type she and her husband are requesting. Mrs. Harpel noted that Volk's original drawings of this house specify "tile", not clay tile, as was stated last month. Mrs. Harpel stated that the Designation Report for 1102 North Ocean Boulevard does not mention the roof material. She presented testimony that the original roof had been replaced 40+ years after construction. The permit, at the time, specified smooth clay interlocking shingles, and she noted that the existing roof tiles are raked. In summary, Mrs. Harpel maintained that a slate roof is an upgrade from the existing roof; a slate roof is historically correct; a slate roof is typical of John Volk's work; and, a slate roof adheres to LPC criteria "to effect and accomplish the protection and enhancement and perpetuation of such properties." Mrs. Harpel stated that she and her husband do not like or want a red roof on their home. She believed that if she and her husband were Mr. Volk's clients today, he would be happy to accommodate their preference for a slate roof. She also stated that when she and her husband purchased this home, it was quite deteriorated. As such, the Harpels have committed their time and resources to restore and preserve the house, and have no plans to split the lot, as was once contemplated. As a practical matter, Mrs. Harpel noted that slate tiles can be obtained within 4-8 weeks, but red clay tiles will take much longer, approximately 24 weeks, to secure. She was concerned about completing the roof work prior to hurricane season and pleaded with the commission to approve the slate tiles as requested.

① Mrs. Day thanked Mrs. Harpel for her thorough research. She stated that while changing color may be an option, changing materials is another issue. The original plans indicate that a "tile" roof is to be installed. She encouraged the LPC to make decisions which are based on the record (the plans on file) rather than decisions based on aesthetics and personal preference. Mrs. Day added that this roof has always been a red tile roof in her remembrance, and it should be replaced in kind for correct preservation. Mrs. Victor referred to the Secretary of the Interior's Standards as listed in the Landmark Manual, and stated that she feels it is very important that if it has always been a red tile roof, it should remain as such.

Mr. Smith offered a rebuttal stating that the word "tile" may not necessarily refer to clay. He stated that the use of slate tile is mentioned in John Volk's book. He maintained that no one present today knows what the original roof was on this house. Mr. Smith felt there was historical precedence to let owners of a landmarked home, who are spending much money to restore the home, have the type of roof that they desire. He stated that "a kinder, softer Landmark Commission is what we need."

① Mr. Eigelberger noted that the building was landmarked with the red roof. He felt that the red roof is perfectly appropriate for the house; and, that it would set a terrible precedent to change the roof now, especially on this building which has been given approval for so many changes already. Mr. Pandula agreed with Mr. Eigelberger citing the LPC's recent approvals of a second floor wing, further enclosure of the courtyard space, and adding mass to the corner of the building. He posed the question of when the line is crossed when too many changes have occurred which, in effect, lose the original landmark. He offered his conjecture that if the roof change had been part of the original project (approvals as listed above), those approvals may not have been granted. He remarked that when projects get out of control, it usually happens with

incremental approvals.

Mrs. Harpel countered with the fact that we do not know what the original roof material was. At some point in 1980, someone chose raked concrete tile which does not even match the permit. Mr. Pandula stated, however, that we do know what was landmarked, and that is the house and property at 1102 North Ocean Boulevard with a red roof. It was noted that the roof has been red since 1969 according to Mrs. Willis, Alternate Member, who lives around the corner from this house.

Mrs. Harpel, hearing the commission's comments, thanked the commission for giving her the opportunity to present her case. Mr. Eigelberger complimented Mrs. Harpel on a great presentation. Mrs. Hoffman added that she has lived in Palm Beach all her life, and she always remembers a red roof on that house.

MOTION BY MRS. VICTOR TO DENY PERMISSION TO CHANGE THE ROOF MATERIAL FROM CLAY TILE TO SLATE.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness #4-2006
Rehabilitation, Additions, New Accessory Structure
Owner/Applicant: 700 North Lake Way, LLC
Address: 700 North Lake Way
Architect: Smith Architectural Group, Jeffery W. Smith
Project Description: Request approval for rehabilitation, interior demolition, addition to historic structure, new accessory structure, and awning, which is further described as:

Removals: Remove (5) 2nd story windows and (5) existing decorative railings on east facade (provide new casement windows and shutters). Remove existing pool and associated pool paving. Remove existing entry portico at east facade. Remove door/sidelights and (2) oval windows and replace with (2) new casement windows and shutter. Remove existing second story balcony w/brackets & railing on west facade (to allow for proposed new awning). Remove all existing motorized roll-up hurricane shutters from all windows.

Renovation: Convert (3) existing 8'-0" wide garage doors into (2) new 10'-0" wide garage doors and required brick infill. Modify interior floor plan, both floors. Convert windows at new loggia/roof terraces to french doors. Remove all windows and doors and replace with hurricane impact rated windows and doors.

Additions: Expand existing 2-story south bedroom wing to match wing on north side.

Total sq. ft increase = 300 sq. ft. for both floors. Provide new "L" shaped wing at south side of house to match existing "L" shaped wing at north side of house. Total sq. ft. increase = 3,100 sq. ft. Provide (2) new 1st floor loggia/2nd floor roof terrace on northwest and southwest ends of house. Total sq. ft. of each loggia is 320 sq. ft. (Total 640 sq. ft. for both loggias). Provide new 1 story, 550 sq. ft. pool house and associated paving. Provide new 35' x 70' in ground swimming pool. Provide new retractable awning on west facade (at balcony removal).

Future work not included in this request: Remove existing driveway and entrance gates, provide new. Modify and expand existing staff quarters and maintenance building. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Coniglio spoke with the architect. Mr. Eigelberger had spoken with the architect and attorney.

Attorney Frank Chopin and Architect Jeffery W. Smith presented this request on behalf of Mr. and Mrs. Henry Kravis. Last month, this project was heard informally due to the variance request. At that time, two items of contention were raised: the existing front portico, and the lakeside balcony. Regarding the front portico, Mr. Smith was agreeable to either remove the portico or leave it as is, if that is the will of the LPC. Regarding the rear balcony, Mr. Smith showed a drawing with and without the existing balcony, together with the awning (extended). Mr. Smith felt that keeping the balcony results in too much railing on that facade.

Mr. Hanley gave his opinion that it is very important to keep the French doors at the balcony rather than changing them to windows. He questioned how it could be justified to remove the balcony simply because the owners want to add an awning at the first floor level. Mrs. Bresnan agreed that the balcony should be retained.

Mrs. Day commented that it is quite important to keep the Fatio entry portico, even if it might possibly promote confusion over where the entrance to the house really is. She suggested that a garden be created there; stated that keeping the portico is correct preservation; and that the entry is typical of Fatio. Regarding the balcony, Mrs. Day stated that the proposal is to change French doors to windows, and there is no need to do that for the sake of a removable awning. The consensus of the LPC was that both architectural elements should be retained. It was noted that the LPC was very generous to support the variance discussed last month.

MOTION BY MR. EIGELBERGER TO KEEP THE PORTICO AND THE FRENCH DOORS AND BALCONY, AND APPROVE THE REMAINDER OF THE PLAN AS PRESENTED.

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

- E. Application for Certificate of Appropriateness #5-2006.
Roof & door/window changes
Owner/Applicant: Mr. Leonard Harlan
Address: 448 North Lake Way
Architect: Smith Architectural Group, Jeffery W. Smith
Project Description: Request approval of restoration which is further described as: Removed existing asphalt shingles and replace with wood shingles; remove existing windows and French doors and replace with DCA impact rated windows and French doors; remove contemporary stained glass and replace with clear glass; and, all double hung windows to be replaced with 6 over 1 double hung windows. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Architect Jeffery W. Smith presented this request. The Harlans have just purchased the Vicarage. The proposal would replace all fenestration with impact windows and doors. The existing asphalt shingle roof will be changed to natural flat tide water cypress shake shingles. Mr. Smith reviewed the changes to the elevations. All double hung windows will be changed to six over one for consistency. Window opening sizes will revert to the original sizes.

Mr. Eigelberger asked about the installation of the hurricane impact windows, questioning if the building would be gutted. Mr. Smith responded that every window jamb would have to be opened up. Mr. Eigelberger noted that when the windows are removed, the wall will go also, and this is what the LPC was against at Four Winds. Mr. Segraves commented that the process will be easier with a frame house. Mr. Smith responded that very little demolition will be done from the exterior; most will be done from the interior. Mr. Eigelberger asked about the windows in the gazebos at the lake. Mr. Smith answered that they are not proposed for replacement at this time.

In light of the Four Winds controversy, and to clarify the intensity of the project, Mrs. Victor asked, "Are you going to take the skin off here?" Mr. Smith responded, "No." Mr. Pandula commented that this project does not even come close to the Four Winds project. Mr. Pandula reminded Mr. Smith that the LPC application requires a demolition plan and a materials removal plan when that stage is reached.

Mr. Smith noted that he will return with changes to the garage in a month or two.

MOTION BY MR. EIGELBERGER TO APPROVE THE PROJECT AS PRESENTED, BUT NOTED THAT HE WOULD LIKE TO SEE AN OVERALL LANDSCAPE PLAN AND WHAT WILL HAPPEN TO THE TWO PAVILIONS.

MOTION SECONDED BY MR. SEGRAVES.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #6-2006

Landscape/Hardscape

Owner: Town of Palm Beach

Applicant: Town of Palm Beach

Florida Department of Transportation

Architect: Washington Group International, Alan L. Hedberg, P.E.

Project Description: Request approval of landscape/hardscape which is further described as: The limits of this SR A1A (S. Ocean Blvd.) 3R project extend from SR 80 (Southern Boulevard) to SR 704 (Royal Palm Way), for a total length of approximately 2.20 miles. The project involves resurfacing, restoration and rehabilitation (RRR) of an existing 2-lane urban section. The typical section consists of an urban two-lane undivided roadway with a posted speed of 30 mph. The existing roadway passes through the original residential and business sections of the Town of Palm Beach and has very limited right-of-way. The southern 1.7 miles of the project is a two-lane section through a residential area with an average pavement width of 30 feet (within a right-of-way varying from 30 feet to 40 feet). The remaining 0.5 mile of the project passes through the business section of town; has varying lane widths and on-street parking; and includes a bifurcated section that is approximately 700 feet long. There are no proposed changes to the horizontal alignment and only minor drainage improvements. The proposed construction includes milling of existing pavement and resurfacing with minor drainage improvements to correct areas of stormwater ponding. The project also involves the replacement of the pavement markings, existing traffic signals and signs not meeting the reflectivity requirements. All roadway improvements will be constructed within the existing right-of-way limits. The resurfacing of SR A1A will require minimal reconfiguration of features within the existing right of way and adjacent sidewalks. The locations of four of the existing lampposts in the downtown area will need to be adjusted to avoid conflicts with proposed signals or to accommodate the new Americans with Disabilities Act (ADA) compliant sidewalk ramps. These lampposts are located at the northwest and northeast corners of Worth Avenue and South County Road and the southeast and northwest corners of Peruvian Avenue and South County Road. The Town of Palm Beach has requested specific safety and landscaping improvements to the intersection of Australian Avenue and South County Road. These improvements will result in minor changes to the Town Hall Square Resource group (8PB5404), and specifically to the sidewalk north of Town Hall (8PB6476) and the southern end of the Mizner Fountain and Memorial Park (8PB6477). Current plans call for the extension of the sidewalk north of the Town Hall in order to narrow the travel lanes in Australian Avenue. The curbing at the south end of the Mizner Fountain and Memorial Park will be returned to its original shape, removing the rounded modification and mirroring the north end of the park, and extending the park limits south roughly 36 feet. The shape of the park reflects the intent of Mizner's original 1929 plans for the park on file with the Historical Society of Palm Beach County. The area between the historic curb limits (32.5 feet) and the newly

proposed limits (68.75 feet) will be differentially landscaped to provide a visual break between these areas. This visual break was recommended by the staff at the Florida State Historic Preservation office (SHPO) to comply with the Secretary of the Interior's Standards for Rehabilitation (36 CFR part 67).

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Mr. Allen Hedberg of Washington Group International, Architects, and Mr. Richard Estabrook of Southeastern Archaeological Research presented this project on behalf of the Department of Transportation. Mr. Hedberg explained that this project is primarily a milling and resurfacing project with some minor upgrades to swales along the roadway. In addition, ADA improvements will be done by replacing substandard curb ramps along the roadway. This will involve relocating 4 lampposts in the downtown area, two at Worth Avenue and two at Peruvian Avenue. The project includes some landscaping which was approved by the Town Council and must now be reviewed by the LPC. Mr. Hedberg stated that the State Historic Preservation Office has required a differentiation between the existing Mizner Fountain/Memorial Park, and the proposed extended landscaped area to the south. This may be accomplished through curbing.

There was a lengthy discussion about treatment of the crosswalks. The crosswalks will not be done in bricks or pavers as that may present a maintenance problem, but the Town Council has approved the use of textured paint to make the crosswalks more noticeable.

Mr. Eigelberger asked Mrs. Day if there was any historic precedence for treatment of the crosswalks. Mrs. Day responded that crosswalk differentiation is new to the town. She hoped that the treatment would be something other than paint. Mr. Hedberg explained that the crosswalks will be surfaced in patterned asphalt to look like brick pavers. Mr. Eigelberger stated that the LPC should see a sample or photo of the surface treatment. Mr. Frank and Mrs. Day stated that they were unaware, until today, that a painted surface treatment was proposed.

Ms. Close stated that a representative from the Public Works Department was present in the audience and available for comment, as the town has been working with DOT relative to this matter. Ms. Close stated that it is her understanding that the crosswalks will be treated with a colored stamped asphalt to make the crosswalks more noticeable, and therefore, more safe. Charles Langley, Assistant Director of Public Works, stated that stamped asphalt is the favored material. It can be colored and patterned according to the Town's selection. Mr. Langley explained that this type of treatment is low maintenance and attractive. Mr. Langley stated that Public Works has some brochures showing the treatment which can be distributed to the LPC.

Ms. Victor expressed concern about the landscaping and the narrowing of the turnaround at the south end of the Memorial Fountain. She wondered if the Police Department has looked at the traffic flow and approved it. It was noted that the Town has reviewed the plans.

Mrs. Hoffman thought that providing more park area on the south end of the Memorial Fountain was a good idea. She also felt that the painted asphalt is a good choice for the crosswalks. Mr.

Pandula thought that the stamped asphalt surface for the crosswalks was fine, but suggested that it be done in the most subtle color available.

It was noted that the proposed landscape (included in the application package) at the north and south ends of the Memorial Fountain was reviewed and approved by the Town Council. At the north end, the landscaped area is a 10 ft. x 20 ft. space with low level plantings.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PLANS, AS PRESENTED, WITH THE OPTION OF LOOKING AT THE SAMPLE OF THE CROSSWALK TREATMENT NEXT MONTH.

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

Mr. Hedberg noted that they will be waiting for the Town to make a decision as to the color and pattern chosen for the crosswalk treatment. Mr. Eigelberger suggested that the crosswalks be made to look like an extension of the sidewalks. Mr. Hedberg responded that the Town Council was interested in calling attention to the crosswalks with a color and surface difference.

Let the record show that there was a short recess from 11:00 a.m. to 11:10 a.m.

VI Other Business:

- A. Discussion relative to Civic Association's Report relative to Town Boards and Commissions

Ms. Close stated that each of the members was provided a copy of the Civic Association's Report and the Town Manager has requested written comments from the commission members by April 27, 2006 so these may be forwarded to the Town Council in preparation for their meeting on May 10, 2006. Ms. Close encouraged all commission members to attend this Town Council meeting.

Mrs. Victor commented that she would like to see the members of the Landmarks Preservation Commission be able to openly discuss the needs of the commission, when there is a vacancy on the commission, relative to the type of qualifications which are needed on the commission, i.e., more architects, landscape professionals, etc. She would like the commission to review the list of applicants, whenever there is a vacancy. If a situation arises where there are no qualified applicants for service on the commission, Mrs. Victor hoped that the Town Council would delay their vote for one to two months until existing members have the opportunity to encourage others to serve who may be better qualified for service on this particular commission. She recommended that all members of the Landmarks Preservation Commission become members of the Florida Trust and the National Trust so they receive the publications of these organizations as a means of free education. Mrs. Victor mentioned that she also belongs to the National Trust Forum online at a cost of \$110/year. The Forum is designed for online discussion relative to

preservation issues. If a question is raised, persons from all over the country might respond. She felt this is a wonderful resource tool. Mrs. Victor requested more clarification on the Sunshine Law as she would like to be able to discuss policy issues and state and national preservation issues with fellow commissioners.

Mrs. Hoffman stated that she agreed with Mrs. Victor.

Mrs. Rubin recommended that some type of internship be established for new members so they know what to look for at a landmark site when meeting with owners, architects or attorneys. She felt this would make the new members much more valuable in their service on the commission. Mr. Pandula noted that Mrs. Day is available to assist the members in this way already. Mrs. Rubin acknowledged that she is aware of this, and stated that Mrs. Day has been very helpful.

Mr. Eigelberger commented that if someone wants to serve on the Landmarks Preservation Commission, that individual should make a point of attending several meetings of the commission prior to making application for service. He suggested that perhaps interested persons, i.e., potential new alternate members, should be required to be seated on the dais with the commission, or seated in the audience, for three (3) to six (6) months. This could be considered an internship without the person being a public official. That individual would have the freedom to speak to all of the members of the commission, without worrying about infractions to the Sunshine Law. This type of internship would ensure that the applicant is really interested in serving on the Landmarks Preservation Commission.

Mr. Eigelberger noted that quite often persons who complete an Application for Service on a town board/commission check interest in all of the boards/commissions without particular interest in one or the other.

Mrs. Coniglio recommended that there be a specific Application for Service for each board/commission, rather than the existing procedure which utilizes one application and permits an applicant to select any and/or all of the boards/commissions listed. Mrs. Coniglio also agreed that training is needed for new members.

Mr. Pandula commented that he attended the National Trust meeting last year, and was really excited "to know how far ahead of most places the Town of Palm Beach is." In addition to the National Trust and the Florida Trust conservative opinions, Mr. Pandula recommended that the commission have the benefit of other professional publications to assess the full spectrum of preservation approaches in the state and the nation.

Mrs. Victor suggested that perhaps, within the re-design of the Town Hall, an office for Mrs. Day with a resource library could be created. Ms. Close stated that Mrs. Day and other consultants will have an office in the department's new offices, and a conference room/library is being planned as well.

Mrs. Bresnan requested additional information relative to the Sunshine Law, referencing Page 3

of the Civic Association's report. Mr. Randolph replied that members cannot communicate with each other outside of a public meeting in regard to commission business. He explained that the commission can, as a group, make site visits to properties, but the press and the public would have to be invited and the recording secretary would have to take minutes of that site visit. Commission members who wish to communicate information to other members should forward that written communication to staff for distribution. Mr. Randolph stated that if commission members are invited to a meeting, where educational information is provided concerning preservation and/or landmarking, members are free to attend that meeting with the proviso that they do not confer with each other, outside of the sunshine, regarding the material learned at the meeting to avoid a violation of the Sunshine Law.

Mr. Randolph also advised commission members to give more detailed explanations of their ex parte communications.

Let the record show that Mr. Eigelberger left the meeting at 11:25 a.m.

Mrs. Bresnan, referencing Page 4 of the report, wherein it speaks about the commission chairmen becoming more involved in reviewing applicants for the commissions, wondered if this was a drastic change to the existing procedure, and whether this would change the time line for persons making applications for service. Ms. Close stated that this type of involvement of the chairmen, if approved by the Town Council, would change the time line for applications.

Mrs. Victor referred to Page 4 of the report in relaying her concern that the Preservation Foundation exerts undue influence on town staff, particularly Peter Elwell, and on the Town Council members relative to landmark issues. She did not feel that this was appropriate. Mrs. Victor stated that the Preservation Foundation has 200+ members, not 2,500 members as was recently represented to members of the Town Council. Mr. Randolph stated that when the Preservation Foundation speaks with Town Council members relative to matters which come before the Town Council, this should be declared as ex parte communication. Mrs. Victor stated that she wished that a representative of the Preservation Foundation would regularly attend the meetings of the Landmarks Preservation Commission, as had been done in the past.

Mrs. Coniglio stated that she was uncomfortable with the Civic Association's suggestion that board/commission members and/or chairmen should be involved in applicant selection. Mr. Pandula, as LPC Chairman, did not feel that this is something that he would want to do. He stated that if changes are going to be made to the application process, then the entire commission should receive the group of applications for review, rather than just the chairman. He also did not believe that appointments should be based on whether the applicant is willing to "sell themselves" in front of the commission or the Town Council. Mr. Hanley commented, "Well, I think that the risk that you run is perception of self-perpetuation, which is not desirable."

Ms. Close commented that the Town Council, during discussions regarding the Strategic Plan, opted not to use boards/commissions to do pre-screening of applicants for many of the reasons which have been stated. Currently, a new procedure has been instituted where prospective board

applicants are invited to speak to the Town Council in the afternoon prior to the Town Council meeting when appointments will be made.

Mrs. Coniglio stated that she would prefer to have applicants apply for the Landmarks Preservation Commission only and have them attend meetings of the commission to demonstrate interest. She commented that she was not sure she would have participated in the Town Council's new "getting to know you" sessions if she was a prospective applicant. She also felt that existing members seeking re-appointment should not have to do this either.

Mr. Hanley felt it would be wrong for the commissions to be perceived as guiding the selection process for new members.

VII COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR

Mrs. Victor commented that the paint on the Bradley's building is still peeling. Mrs. Coniglio added that the roof on the Bradley's building is half gone as well. Mr. Frank responded that this is a matter for Code Enforcement.

Mrs. Victor mentioned that the landscaping at the Palm Beach Public School is still an issue. Ms. Close stated that staff is checking with the School Board relative to the landscaping.

Mrs. Victor noted that at 455 North County Road the remainder of the trees have been bulldozed; there is a pile of debris in the front of the property; and she has not seen any work continuing. Basically, she felt the property was an eyesore. Mr. Frank stated that the LPC can pose these concerns to Attorney Frank Lynch upon his next appearance at the LPC to discuss this property and its progress. Staff will check on the landscape plan for the site.

Mr. Pandula expressed his thanks to the Town Council for the meeting last week at which landmark issues were highlighted.

MOTION BY MRS. HOFFMAN THANKING THE TOWN COUNCIL FOR THE MEETING WHICH OCCURRED LAST WEEK TO DISCUSS LANDMARK ISSUES.

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

VIII COMMENTS FROM THE PUBLIC

There were no comments from the public, but an audience member identified herself as a representative of the Preservation Foundation. The LPC thanked her for attending the meeting.

IX **Adjournment:**

The meeting adjourned at 11:45 a.m. upon a motion by Mrs. Victor. There was no second, but all were in agreement to adjourn.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, May 17, 2006** at 9:00 a.m. in the Town Council Chambers, 2nd Floor, 360 South County Road, Palm Beach.

You are also reminded that the Member Orientation meeting will be held at 2:00 p.m. on May 17, 2006. All members are encouraged to attend.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eugene Pandula	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								
Ann Blades	<u>P</u>	<u>P</u>	(Term maximum reached)									
Judy Hoffman	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>								
Patrick Segraves	<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>								
William Lee Hanley Jr.	<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>								
Eileen Bresnan			<u>P</u>	<u>P</u>								

ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eileen L. (Morris) Bresnan	<u>P</u>	<u>P</u>	(Promoted to regular member)									
Gail L. Coniglio	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								
Hazel Rubin	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								
D. Imogene Willis			<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 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
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Eugene Pandula	<u>V</u>	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Ann Blades	_____	_____	(Term maximum reached)									
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Judy Hoffman	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Patrick Segraves	<u>V</u>	<u>VPD1</u>	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Wendy Victor	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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William Lee Hanley Jr.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Robert T. Eigelberger	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Eileen Bresnan	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
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Robert T. Eigelberger	_____	_____	_____	(promoted to regular member)								
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Eileen L. (Morris) Bresnan	_____	_____	(Promoted to regular member)									
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Gail L. Coniglio	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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Hazel Rubin	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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D. Imogene Willis	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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LEGEND:

V	=	One Voting Conflict during a meeting
V2	=	Two Voting Conflicts during a meeting
V3	=	Three Voting Conflicts during a meeting

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 project. ONLY COUNT ORIGINALDECLARED CONFLICT PER JCR, TOWN ATTORNEY)
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