TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, FEBRUARY 16, 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 9:03 a.m.

II **Roll Call:**

PRESENT:
Eugene Pandula, Chairman
Ann Blades, Vice Chairman
Wendy Victor, Secretary
Ann Vanneck, Member
Jack Pyms, Member
Patrick Segraves, Member
William Lee Hanley Jr., Alternate Member
Robert T. Eigelberger, Alternate Member
Eileen L. Morris, 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: Judy Hoffman, Member (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the January 19, 2004 Meeting**:
MOTION BY MR. PYMS FOR APPROVAL.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

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

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5430

V Public Hearings:

A. 455 North County Road: Continuation of Deterioration by Neglect
Owner: 123, LLC
Continuation of quarterly reports: Attorney Frank Lynch

Attorney Frank Lynch passed photos of the site which were taken yesterday. He stated that progress has been made since he last appeared before the LPC. The roof is on; doors and windows are being framed in; the air conditioning ductwork is being installed; and, the electrical work and basic fixtures are being installed. Some site prep work related to outbuildings and other improvements has begun. The site is kept clean, and there have been no complaints from the neighbors. Mr. Lynch noted that the building permit will expire in April, so the applicant will return to the Town Council for an extension of the permit. The owner intends to complete the project in 8-10 months. *(Mr. Lynch will return to the LPC in three months for the next quarterly update.)*

Mrs. Victor asked Mr. Lynch if his client was anticipating drainage problems due to the high elevation of the land at the neighboring house under construction, 101 Casa Bendita. Mr. Lynch responded that he was unaware of any problems in this regard, but he will check the site.

B. Application for Certificate of Appropriateness # 26-2004, Internal Driveway (deferred from October and November 2004)
Owner/Applicant: The Mar-a-Lago Club
Address: 1100 South Ocean Boulevard
Architect: R.E.G. Architects
Project Description: Request approval for the following:

1. New internal driveway to serve members going to the ballroom at the Mar-a-Lago Club, as approved by the Town Council. Driveway surface to be coquina like the main entrance driveway
2. Low level lighting to be installed in the parking lot and drive aisle leading to the new driveway drop off and pick up area
3. Landscaping to be provided along the new driveway and in the center of the driveway drop off area
4. Drop off area to connect to a sidewalk that goes from the mansion to the ballroom.
5. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

At the October meeting, there was a motion to defer this matter to the November meeting with a request that the architect re-study the layout of the driveway making it more in keeping with the landscape and softer, in the two options discussed today, and come back with the landscape and lighting plan. At the November meeting, there was a motion for deferral to the February 2005 meeting.

PLEASE NOTE THAT THE APPLICANT HAS REQUESTED DEFERRAL TO THE MARCH MEETING.

MOTION BY MRS. BLADES FOR DEFERRAL TO THE MARCH MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #25-2004, Landscape/Hardscape & Modifications to previous approval (deferred from Oct. Nov., Dec. 2004 and January 2005

Owner/Applicant: Avram and Jill Glazer
Address: 5 Middle Road
Architect: Thomas M. Kirchhoff, AIA, P.A.
Morgan Wheelock, Landscape Architect
Project Description: Request approval of the following:

1. New Landscape Plan: The landscape design will remove existing, overgrown, out of character plant material, relocate quality material in conflict with new construction or hardscape design, and preserve existing material complementary to the overall design.
2. New Hardscape Plan: Includes a new swimming pool, spa and fountain; new terrace area, service drive and front drive materials
3. The second (existing) curb cut on Middle Road will be reopened to re-establish the loop drive previously closed. Both driveways on Middle Road will have operable metal gates.
4. Changes to the description of improvements which received a Certificate of Appropriateness at the May 19, 2004 LPC Meeting, specifically changes to the four bay garage, changes to the east wing addition, and changes to the existing gambrel roof housing staff bedrooms and bath.
5. Other associated changes as presented

(Please see the next page for the continuation of this item.)

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.

The application indicates that this is a tax abatement project.

At the October meeting, there was a motion for approval of the landscape and hardscape, as presented, without raising the walls, and with bringing the west Ficus hedge down (in height), and with keeping the driveway gates on the same plane, and having the applicant return with lighting, gates, and fountain details. The architectural changes presented were approved. At the November meeting, there was a motion for deferral to the December meeting. At the December meeting, and at the architect's request, there was a motion for deferral to the January meeting. At the January meeting, there was a motion to defer the landscaping to the February meeting; for approval of the proposed Ludowici roof tiles; for approval of the fountain as presented, with an updated to come at the February meeting relative to the engineering and for approval to remove the two black olive trees; and, to defer the balance of the project to the February meeting, to include the gates, walls, the palms, the front entrance, the front door, i.e., the whole front of the residence.

LET THE RECORD SHOW THAT THE ARCHITECT HAS SUBMITTED A LETTER REQUESTING A DEFERRAL TO THE MARCH MEETING.

MOTION BY MRS. BLADES FOR DEFERRAL TO THE MARCH MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

Please note that the Public Hearings will resume after the Other Business, Designation Hearings.

VI **Other Business**:

(a) Designation Hearing: Everglades Island Gates
Owners: Town of Palm Beach and Everglades Club
(Deferred from April 21, 2004, November 17, 2004, December 15, 2004 and January 19, 2005)

Mr. Frank read a letter into the record from the attorney for the Everglades Club, Michael Tamarro, wherein he requested an additional deferral to the March meeting due to unresolved issues with the Public Works Department, together with the typical waiver of rights. Public Works has not yet finished the job of the clean up of the lift station in this area, although there is a contract for the completion of the work. The Everglades Club would like this work to be completed before the landmark designation matter is heard. Mr. Frank noted that the Everglades Club has promised to assume maintenance of the gates in perpetuity, and voluntarily agrees to landmark the Everglades Island Gates.

Various members expressed that this designation has been on the agenda for quite some time, and the designation season will soon be over for this year. Mr. Frank assured the members that this would be handled during this designation season. Mr. Randolph added that the majority of the work is completed at the site, but there is still a fence removal which must yet be done.

MOTION BY MRS. VICTOR FOR DEFERRAL TO THE MARCH MEETING.

MOTION SECONDED BY MRS. VANNECK, BUT WITH THE RECOMMENDATION THAT THE PUBLIC WORKS DEPARTMENT MAKE COMPLETION OF THIS WORK A PRIORITY.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore added, in defense of the Public Works Department, that they are still making repairs and clean up as a result of the hurricanes. As such, this project had not taken priority. He pledged that he would convey the desire of the LPC to have the project completed so the designation hearing can move forward.

B. Designation Hearing: 421 Peruvian Avenue
Owner: 421 Peruvian Avenue Inc.

(Let the record show that the following transcription will be done partially verbatim and partially paraphrased. Verbatim portions are noted by the speaker's name at the left margin.) Let the record show that Mr. Pandula declared a voting conflict with this item as he is the architect for the renovation of this project. He passed the gavel to Mrs. Victor.

MR. FRANK: Staff has reviewed the request on 421 Peruvian Avenue. Staff has found that the subject property meets the following criteria for designation as a landmark of the Town of Palm Beach. It meets criterion...

(a) That it exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town;

We find that it also meets criterion...

(c) That it 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 craftsmanship;

We also find that it meets criterion...

(d) That it is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

In this case, the architect is Howard Major, and I'd like Mrs. Day to continue with the presentation please.

MRS. JANE DAY: Madame Chairman, Members of the commission, good morning, and I'm glad to see Bill Elias in the audience, who is the owner of the property and is taking great care in renovating it. The original building permit at 421 Peruvian Avenue was pulled on December 20, 1919 by A. Oswald. It called for a residence and garage. It turned out to be a frame vernacular structure placed on Lots 19 and 20, Royal Park Addition, Block 12. At that time, it was called the "Yellow Cottage". In 1925, Howard Major changed the block for perpetuity by his building of Major Alley that's just to the east of this property. And in 1930, Howard Major was given the opportunity to renovate the original frame vernacular structure into a Bermuda style house that we see today. The area of its importance is this 1930's time period. We don't have anything left, but the structure that's the frame vernacular. So, the importance of it is the change for the Town from the original beach cottages to some of these other styles, in this case Bermuda, and, as Mr. Frank said, the work of Howard Major and the way that he integrated this property with Major Alley that's next door. (Showing slides) The entrance to the property is on the west. There is a parking lot next door. You proceed north along a very narrow walkway into the entranceway. The front yard that was behind the hedge, in the first photograph, is an exterior courtyard with a porch on the first floor and a sleeping porch above. Some of the details of the Bermuda style are put on the house. These are quoins and a fanlight that surround the entrance door that, again, is on the west. But really the most important part of the design is how it is incorporated with Major Alley. When I went back and looked at the plans for this property, Howard Major even went to the trouble of looking at what the roof pitch was on #2 Major Alley, right next door, replicating that in the garage on this house. It's a good example of the Bermuda style. I think it's a great example of what an architect can do with renovation to make something compatible with an urban streetscape. We have owner consent for the project. It's being renovated and as such, staff would recommend approval and accept the designation report. The only thing that really happened to this property over its history was in 1973. The Town Council approved a variance to convert it into a two-family house. Now, it's being brought back again to a single family home.

Mrs. Victor asked Mr. Frank if proof of publication and proper legal service were obtained for this hearing. He responded affirmatively.

Mr. Eigelberger asked how far the renovation had proceeded.

MR. BILL ELIAS, PROPERTY OWNER: Bill Elias. I am the President of 421 Peruvian Avenue Inc., and my company is handling the restoration/renovation. We are in the stick by stick removal of the existing drywall, and really just getting it settled in. So we're in the very early stages.

MRS. BLADES: Is this going to be a tax abatement?

MR. ELIAS. No.

Let the record show that Mr. Elias was sworn at this time as to the testimony already given, and any future testimony.

Mrs. Day asked Mr. Elias for a letter indicating his support, as the property owner, for the designation of the property.

MOTION BY MRS. BLADES THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. PYMS TO RECOMMEND THAT THE PROPERTY AT 421 PERUVIAN AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

Mr. Elias asked to address the commission at this point. He thanked the LPC for their vote to recommend for designation. He explained that the work was started with the knowledge that if the LPC voted against designation, the building would have had to have been brought up to certain code requirements. Mr. Elias stated that this process is an opportunity to let the building evolve under the landmark protection. He stated his concern with what he referred to as the Town Council's lack of understanding relative to needs for certain variances. As such, he referred to himself as a very nervous developer in the Town of Palm Beach.

C. Informal Review - 222 El Brillo Way
Brower Architectural

Architect Ken Brower explained that the owner is requesting an addition to the existing home which has some very small rooms. The addition would provide office space, entertainment space, an exercise room, and guest space. The proposed addition consists of two two-story elements with a one story open loggia connector between. One of the two story elements will have an exercise room on the first floor and a sitting room on the second floor to serve the existing guest room over the garage. The other two story element shows a pool cabana on the first floor and an office space for the owner on the second floor. Approximately 2,000 square feet will be added to the residence, and no variances are required. This is not a tax abatement project. The project would also include improvement of certain fenestration in the existing home, and relocating the pool to its original location to allow for the proposed addition.

Mrs. Vanneck commented that the addition is too large, and that the lot, green space, and siting of the house is being lost. Mrs. Victor noted that the size of the addition dwarfs the main house, minus the garage.

Mr. Brower was asked for the square footage of the existing house, but he was unprepared to offer this information at the time.

Mrs. Day commented that this is an E. B. Walton house from the 1920's. The home behind it is a very imposing, larger Volk home. The house at 222 El Brillo, much more modest, started as a tax abatement project. The tax abatement was forfeited because the owner wanted the connector between the kitchen and the garage, which the LPC felt was not an appropriate expansion of the original house. Mrs. Day stated that quite often she does not object to additions when they do not take away from the main house because they can always be removed.

Mr. Pandula commented that the forms of the two-story roofs on the addition are massive and read very "chunky". He felt the addition has no relationship to the house and that the design should be more balanced.

Mrs. Victor referred to this as a perfect example of a situation where all of the members need to visit the site, recalling that Mayor Smith had chastised the LPC members for not doing their "homework". In her view, site visits should be done with Jane Day or Tim Frank. She suggested that for every major project, there should be an informal review, a site visit, and then a formal review.

Mr. Eigelberger remarked that the LPC has not been informed of the facts and figures related to the site, i.e, cubic volume of the existing home, square footage of the existing home, cubic volume of the proposed addition, etc. He also questioned why the owner would knowingly purchase a home which was already too small, and then request an insensitive addition to a landmark.

Mrs. Vanneck stated that the LPC has a responsibility to keep and respect the main house. She asked the architect to explain this to the client, and go back to the drawing board to arrive at a smaller, lower, and more sensitive addition.

Mr. Segraves told the architect that the LPC needs more facts and figures at an informal review, and certainly needs to see more than a site plan.

Mr. Frank spoke in support of offering informal reviews as they serve to provide the applicant with important feedback in advance of a formal presentation. Mr. Brower suggested that applicants be told, as they request an informal review, that they need to be prepared with more information. Mr. Moore responded that a project must first meet the zoning code, and secondly, a project must be appropriate in scale, style, and materials. He reminded Mr. Brower that it is his responsibility as the architect to have the information available at an informal meeting.

Mr. Brower stated that it is his client's intent to come to the April LPC meeting for a formal presentation.

V **Public Hearings (continued)**

D. Application for Certificate of Appropriateness #1-2005, Addition, new accessory structure & site work (deferred from January 2005)
Owner/Applicant: Mr. Dwight Schar
Address: 1300 South Ocean Boulevard
Architect: Bridges, Marsh & Carmo
Project Description: Request approval as follows:
Proposal is to enclose an existing ground floor open balcony on the East side of building to create an interior gallery linking two existing spaces immediately off the breakfast area. The existing fenestration will be re-used in the addition along with roof and building materials matching the existing structure.

Also a new, separate, four car garage and bedroom is proposed on the South end of the existing residence. The architectural elements will be similar to the existing.

The existing single driveway entry will be modified and a new entry proposed in the northwest corner of the site connecting to the existing arrival motorcourt adjacent to the entrance to the residence.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

THERE WAS NO MOTION FOR DEFERRAL AT THE JANUARY MEETING, BUT IT WAS CLEARLY UNDERSTOOD THAT THE PORTION OF THE PROJECT CONCERNING THE ENCLOSURE OF THE BALCONY WAS DEFERRED TO THE FEBRUARY MEETING, AND THAT THERE WOULD BE A SITE VISIT DURING THE FEBRUARY MEETING. THERE WAS AN APPROVAL OF THE GARAGE AS PRESENTED, ALONG WITH APPROVAL OF THE RECONFIGURATION OF THE DRIVEWAY SUBJECT TO PUBLIC WORKS AND DOT APPROVING THE DRIVEWAY CUT. THE NEW GATE WAS DEFERRED TO THE FEBRUARY MEETING TO SEE THE DESIGN OF THE GATE.

PLEASE NOTE THAT THE PUBLIC HEARING OF THIS ITEM MAY BE CONTINUED AT THE SITE, IF THAT IS THE DESIRE OF THE COMMISSION.

Architect Mark Marsh asked if the presentation should be done at Town Hall or at the site. Mrs. Day stated that staff was prepared either way. Mr. Pandula responded that the presentation should begin in the Council Chambers, and, if need be, a site visit could follow.

Mrs. Day showed slides of the existing west and east facades, focusing on the bridge area. She also showed a close up slide of the Ferguson balcony/walkway constructed on the east facade at the bridge. She noted the particular windows on a south facing facade which would be directly affected by the proposal.

Let the record show that Mr. Marsh was sworn at this time.

Mr. Marsh first briefly reviewed the proposal brought to the LPC last month to enclose the existing (Ferguson) 8 ft. wide balcony to provide covered passage from the main house to the guest wing. Next, he presented four different architectural solutions to accomplish the goal and proceeded to discuss each of them.

Mrs. Vanneck asked why this change is being proposed as "necessary". Mr. Marsh replied that it will allow guests to move from the guest wing into the main house without having to go through the kitchen or breakfast area interiorly, and without having to go outside, exteriorly.

Mr. Hanley commented that most of the time, the weather is fine here, so going outside for such a short distance should not be a problem. He suggested that the interior space be reorganized to provide an interior walkway and avoid having to make the proposed exterior changes.

Mr. Pandula commented that the problem is that with all the design options presented, this "signature piece," this "light connector" is being lost.

Mr. Eigelberger commented that the proposed change makes no sense; that the interior should be changed to accommodate the owner's interior flow; and, that Mr. Marsh should tell the client that the LPC says "no."

Mrs. Blades noted that all of the solutions presented are acceptable according to the Secretary of the Interior's Standards, i.e., they could all be removed, but none of them should be allowed.

MOTION BY MRS. VANNECK TO DENY THE PROPOSAL TO ENCLOSE THE BALCONY.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

As for the property gate at the newly approved north driveway, Mr. Marsh explained that it will match the existing gate at the south driveway. He noted, however, that the existing south gate will be moved in further off the road (with a new set of piers) to allow for a longer pull-off, but the existing gate pillars (close to the road) will remain. No trees will have to be moved to accommodate the new north driveway arm.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE NORTH GATE TO MATCH THE SOUTH GATE.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

VI **Other Business**:

Comments from Mr. Eigelberger relative to the Four Arts and the remaining Palm Beach Public School Building:
Mr. Eigelberger, in light of the impending changes at the Society of the Four Arts Garden, posed the question whether it might have been preferable to de-landmark the remaining west building at the Palm Beach Public School site, demolish it, and seek the Board of Education's permission to deed the land for use as green space. It could then be incorporated with the Society of the Four Arts site to produce an entire block of green space. He saw no value to keeping the remaining building, and anticipated that traffic and parking in the area will be very congested with assorted continued uses of the school building.

Mr. Frank stated that the School Board had originally made such a request, but the Town and the LPC did not feel this was appropriate. Mr. Frank stated it was his understanding that the Society of the Four Arts favors the concept of having a charter school at the building for an elementary school of the arts. Currently, a synagogue has temporarily leased the building. The Society of the Four Arts will have control over the building for twenty-five (25) years.

Mrs. Day stated that this property was designated during her tenure with the town, and the town fought very hard to get the two school buildings designated at that time. She expressed her regret that the east building has been lost. It was her opinion that the William Manley King west building is actually a better piece of architecture than the east building. Mrs. Day was pleased that the Society of the Four Arts has a long term lease of the building as they have an opportunity to make the building function. She remarked that the State's Historic Preservation Office would be upset about attempts to de-landmark the building as it is National Register eligible. Mrs. Day maintained that despite the new structure being built across the street, there is no reason to de-designate the former junior high school which was designed by a name architect whose works are on the National Register of Historic Places, and there is no reason to tear it down to become a garden area. She felt it would be a mistake to lose another public building, and called it an opportunity for adaptive re-use.

Mr. Pandula stated he would hate to compound the loss of the east school building with taking the west building down. Mr. Pandula stated that many people did not honor their commitments to the LPC with regard to saving the school. He stated that the loss of the east building was ultimately facilitated by the State of Florida's refusal to fund the $ 250,000 grant proposal secured by Town staff. Despite countless hours spent in meeting after meeting, and after many others had promised funding and services to accomplish the project, when the grant monies were denied, the School Board took the opportunity to take the building down.

Mrs. Day suggested that staff could, perhaps, have a conversation with the Four Arts to discuss the potential of the remaining building. She felt that this was a better approach than advocating that the building come down, a suggestion which she felt does not support the LPC's own designation process. Mr. Hanley stated that someone should speak to the School Board. He was pleased that the building is tied up for a period of twenty-five (25) years. Mrs. Day added that the west building is still controlled because it is landmarked by the Town of Palm Beach.

Mr. Frank defended the School Board saying that the School Board is bound by certain budget restraints as well. The School Board could not put extra funds into this particular school building. Had the grant money been funded, the School Board was on record agreeing to build a new school which would have been a superior facility built using preservation techniques. Without the grant money, Mr. Frank stated that Town staff sought funding from various 501(c)(3) not-for-profit organizations to replace the missing funds, but those agencies turned their backs on the project.

Mrs. Blades noted that the west school building requires maintenance, and Mrs. Day responded that she will inform the Four Arts about the grant process available to improve the building.

Mrs. Victor commented that this ties into the larger issue of maintenance of landmarks. She asked how a program is set up to take care of the landmarked buildings which are already designated. Mrs. Day responded that 501(c)(3) organizations, like the Preservation Foundation or the John L. Volk Foundation, could raise money to fund such matters. Mr. Frank advocated that the Town or LPC set up their own 501(c)(3). Mrs. Day noted that individual property owners cannot apply for grants.

Mrs. Blades commented that some of the town's landmarked buildings look shabby, with awnings and/or windows still missing as a result of the hurricanes. She asked if there are form letters in existence which can be sent to the property owners to request that action be taken to rectify such issues. Mr. Frank responded that this type of problem is handled by Code Enforcement. Mrs. Day added that she was not sure what legal mechanism was available to the LPC to make property owners paint or replace awnings, etc. She stated that perhaps all that may be able to be done is suggest that certain repairs be done.

Maia Farish of the Preservation Foundation was sworn. She agreed with Mrs. Day that all one can do is suggest that improvements be made. In other communities, tax incentives, easements, conservation easements are offered to property owners as an incentive to maintain their properties. Mrs. Day noted that the tax abatement program is alive and working in the Town of Palm Beach. The type of maintenance issues being discussed here are cosmetic issues visible by the public passing by. Mrs. Day stated that, perhaps, a letter to the property owner would be sufficient to motivate them to take care of the problem.

Mr. Randolph agreed that such a letter writing program suggesting that certain improvements be made could be implemented. Painting, awnings, etc. are not the types of structural repairs addressed in the demolition by neglect portion of the code. Mrs. Day responded that staff will work toward creating a form letter for this purpose.

Mrs. Day stated, especially since Ms. Farish was present for the Preservation Foundation, that the LPC needs advocacy groups in the form of 501(c)(3) groups to provide money to take care of issues like these being discussed today.

Mrs. Farish stated that the Preservation Foundation is a membership organization where monies come from the members. Therefore, spending these funds requires member consensus. In the case of the school, the Preservation Foundation could not just simply fund the deficit unless the members supported the cause. At this point, Mr. Frank asserted that this is an example of how the Preservation Foundation does not parallel what the LPC is doing. Mrs. Farish took exception to this claim, and stated the Preservation Foundation does support what the LPC is trying to do.

<u>Priority List of Structures</u>
Mrs. Day stated she had not prepared a priority list of properties which might be considered for possible designation because she wants to wait until after the March 10, 2005 workshop with the Town Council relative to landmark procedures and issues. She thanked Mrs. Farish for attending each of the LPC meetings.

Mrs. Farish requested the routine feedback of the LPC members and offered the resources of the archives of the Preservation Foundation to the members. She pledged a desire to begin to work more closely with the LPC, and to be more accessible.

Let the record show that there was a short recess from 11:00 a.m to 11:10 a.m. Mr. Eigelberger did not return after the break.

<u>Mar-a-Lago Club</u>
Mr. Frank reported that the National Trust for Historic Preservation owns easements at the site. The National Trust is not a review agency, but is, in this case, a co-owner. The National Trust will be visiting Mar-a-Lago on Friday. Mrs. Day reported that, oddly, the National Trust did not contact the Town staff about the visit, but instead, informed the Preservation Foundation.

Mrs. Vanneck mentioned several issues related to the Mar-a-Lago site which need attention: the landscaping at the beach property is inadequate; the LPC has not yet seen a lighting plan; the shield (coat of arms) located on the street facade was not approved; the grass pull-off at the beach property is not being used by emergency vehicles, but instead by gardeners and others; and, at the time of the wedding, a large white caterpillar awning was erected from the house to the ballroom even though the LPC was assured time after time that this would not be done.

Some members questioned whether the awning was still in place. Mr. Joe Peilech, in the audience, stated that he was at the site this morning, and the awning was still in place.

Mrs. Vanneck questioned when Mr. Trump would heed the LPC. She felt it is no longer the grand house, and that the LPC has lost control of it. She asked, "When is enough, enough?" Mrs. Vanneck maintained that there has to be a way to make people adhere to what the LPC has said.

Mr. Frank addressed some of the issues brought up by Mrs. Vanneck. As for the beach landscape, staff knew from the outset that the landscape plan was not salt tolerant. Indeed, the landscaping was negatively affected, and will have to be replaced. He had nothing to report relative to a lighting plan. As for the Trump shield, the owner's representative was informed quite some time ago that it was never approved, but Mr. Trump's attorney, Ray Royce, heartily objects to that claim. Mr. Frank felt that the caterpillar awning is probably temporary. Mrs. Day noted that there was a lighting plan submitted several years ago. She will retrieve it and compare it to what is actually on the site.

Seagull Cottage

Mrs. Blades stated that she has heard all sorts of rumors about Seagull Cottage, one being that it is being moved to South Palm Beach. Mrs. Day responded that she does not know where it is going, but she does know that the Royal Poinciana Chapel no longer finds it a viable building. It was only designated as a landmark for twenty-five (25) years, and that time period ends in 2010.

Mrs. Farish stated that she has been speaking with the Chapel's pastor, board members, former Mayor Smith, and Mr. Randolph regarding ideas for and maintenance of Seagull Cottage. The Preservation Foundation is committed to saving and upgrading the building, and they are looking forward to a happy ending for this building.

Coco's (290 Sunset Avenue)

Mrs. Victor noted that there are still tables, planters and chairs stacked up in the courtyard at this property. Mrs. Day and Mr. Frank responded that there is still a bond in effect which the Town has not released, and will not release until all of the issues are satisfied. Mr. Frank was particularly concerned about the peeling paint on the building.

Comments from Mrs. Victor relative to the March 10, 2005 meeting: Mrs. Victor recommended to the LPC members that they read the minutes of the November 17, 2004 meeting of the Four Winds Panel in preparation for the March 10, 2005 workshop meeting with the Town Council. Mrs. Day stated that staff will supply the LPC members with a copy of the minutes. Mr. Frank suggested that staff be directed to request that the agenda for the March 10, 2005 meeting be done and supplied to the LPC members along with all related backup. Mr. Pandula felt that would be a good idea.

Mr. Pandula commented that the LPC has not been able to speak, as a group, to each other about this subject. Members have only been able to offer their individual comments to date. He felt that problems have not yet been clearly defined, and he saw the March 10, 2005 meeting as an opportunity to get re-centered as a group, and define the problems to be solved. After that meeting, there should be a series of meetings to solve individual issues, i.e., social, political, technology, and financial issues. Mrs. Day reported that the approach outlined by Mr. Pandula is the approach recommended by Mr. Fred Gaske, of the State's Preservation office to deal with these issues. Mr. Randolph commented that he would be surprised if the Town Council expected a conclusion at the March 10th meeting.

Farewell to Mrs. Vanneck

The Chairman and members recognized and thanked Mrs. Vanneck for her service on the Landmarks Preservation Commission as this was her last meeting. The members encouraged her to participate in future meetings concerning the LPC.

LPC Applicants

Mrs. Victor encouraged the other members to review the packet of information (available with Mrs. Delp) relative to applicants for service on the Landmarks Preservation Commission. She felt it should be a requirement that persons applying for membership should have to attend one or two meetings of the commission.

VII **Adjournment**:

MOTION BY MR. SEGRAVES TO ADJOURN THE MEETING AT 11:40 A.M.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
Landmarks Preservation Commission

cmd

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	P	P										
Ann Vanneck	P	P										
Ann Blades	P	P										
Jack Pyms	P	P										
Judy Hoffman	P	U										
Patrick Segraves	P	P										
Wendy Victor	P	P										

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/54	6/05	7/05	8/05	9/05	10/05	11/05	12/05
William Lee Hanley Jr.	P	P										
Robert T. Eigelberger	P	P										
Eileen L. Morris	P	P										

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

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS 2005

LANDMARKS PRESERVATION COMMISSION

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		VPD1										
Ann Vanneck												
Ann Blades												
Jack Pyms												
Judy Hoffman												
Patrick Segraves												
Wendy Victor												

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/54	6/05	7/05	8/05	9/05	10/05	11/05	12/05
William Lee Hanley Jr.												
Robert T. Eigelberger												
Eileen L. Morris												

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)

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDULA EUGENE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTE LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS 366 COLONIAL ROAD	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: X CITY :: COUNTY :: OTHER LOCAL AGENCY
CITY COUNTY WEST PALM BEACH FL. 33405	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 16 FEBRUARY 2005	MY POSITION IS: :: ELECTIVE X APPOINTIVE

Minutes

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.

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, GENE PANNUCA, hereby disclose that on 2/16/05, 19

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

____ inured to my special private gain; or

X inured to the special gain of 421 PERUVIAN AVENUE INC., by whom I am retained.

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

ABSTAINED VOTING ON MEASURE TO DESIGNATE THIS PROPERTY AS A LANDMARK IN THE TOWN

2/16/05

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $5,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDULA EUGENE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION
MAILING ADDRESS 366 COLONIAL ROAD	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: [X] CITY [ ] COUNTY [ ] OTHER LOCAL AGENCY
CITY: WEST PALM BEACH FL. 33405 COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 16 FEBRUARY 2005	MY POSITION IS: [ ] ELECTIVE [X] APPOINTIVE

WHO MUST FILE FORM 8B

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MAR 2 2005

TOWN CLERK'S OFFICE
TOWN OF PALM BEACH

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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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.

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- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Gene Pannucia, hereby disclose that on 2/16/05, 19___:

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

___ inured to my special private gain; or

X inured to the special gain of 421 Peruvian Avenue Inc., by whom I am retained.

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

ABSTAINED VOTING ON MEASURE TO DESIGNATE THIS PROPERTY AS A LANDMARK IN THE TOWN

2/16/05

Date Filed

Signature

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