



## **MINUTES**

### **SPECIAL MEETING LANDMARKS PRESERVATION COMMISSION AT EMERGENCY OPERATIONS CENTER 3<sup>RD</sup> FLOOR, 355 S. COUNTY ROAD PALM BEACH, FLORIDA**

**THURSDAY, FEBRUARY 11, 2010, 9:30 a.m.**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com) or may obtain an audio recording (CD) of the meeting by contacting Cindy Delp, Secretary to the Planning & Zoning Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

**I. CALL TO ORDER:(9:30:00 a.m.)**

Chairman Pandula called the meeting to order at 9:30 a.m.

**II. ROLL CALL:(9:30:00 a.m.)**

The following members were present: Eugene Pandula, Chairman, Charles S. Roberts, Secretary, Joanna Golino, Member, William O. Cooley, Member, and Wallace Rogers, Alternate Member. The following members were absent: William Lee Hanley Jr., Vice Chairman (unexcused), Robert T. Eigelberger, Member (unexcused), Hazel Rubin, Member (unexcused), D. Imogene Willis, Alternate Member (absence pending classification), and Dudley L. Moore Jr., Alternate Member (unexcused).

Staff members present were John C. Randolph, Town Attorney, John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane Day, Staff Preservation Consultant, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

**III. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:30:18 a.m.)**

By Mrs. Delp

**IV. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes) (9:30:50 a.m.)**

Anita Seltzer, 44 Cocoanut Row, entered the *Palm Beach Daily News* February 11, 2010 issue into the record as she called attention to the headlines on the front page. She read an anonymous blog into the record addressing the author's opinions relative to the LPC's role in the deliberations for the Royal Poinciana Plaza, and various other opinions of the author. Ms. Seltzer stated that the LPC did not fail the Town Council; and, that the LPC is alive and well.

Wendy Victor, former member of the Landmarks Preservation Commission, complimented the commission for doing a great job. She saw a need to prioritize the buildings at the Plaza. She encouraged the LPC members to follow the LPC ordinance, together with all of the flexibility it allows.

At this point, Mr. Randolph cautioned the commission that today's agenda identifies a single purpose; that the commission should make no comments on the substance of the Royal Poinciana Plaza application; and, that the commission should, in fact, discourage the public from making similar comments.

Lory Volk, for the John L. Volk Foundation, reiterated the Town Council's actions yesterday relative to hiring independent counsel for the LPC. She recommended that the LPC look into the Unity of Title that belongs on the property; and, that the LPC should ask Mr. Randolph for an update on the three pending lawsuits relative to the Royal Poinciana Plaza issue.

**V. APPROVAL OF THE AGENDA:**

**MOTION BY MR. ROBERTS FOR APPROVAL OF THE AGENDA.**

**MOTION SECONDED BY MR. COOLEY.**

**MOTION CARRIED UNANIMOUSLY.**

**VI. COMMISSION REQUEST FOR INDEPENDENT COUNSEL: TOWN COUNCIL RESPONSE. ROYAL POINCIANA PLAZA CERTIFICATE OF APPROPRIATENESS(9:40:56 a.m.)**

Mr. Page reiterated yesterday's Town Council actions in response to Mr. Cooley's motion last month regarding independent counsel for the LPC. He reminded the commission that they will review the Certificate of Appropriateness application at next week's meeting, and deferred to Mr. Randolph for commentary regarding indemnification.

Mr. Randolph advised the commission that under the law, the LPC members have immunity as they act on behalf of the Town in their position as Landmarks commissioners. In addition, there is a Town ordinance which provides that indemnity and provides for legal counsel in the event the members are sued and named individually.

Mr. Randolph stated that the applicant has consented to enter into an agreement to alleviate certain issues of concern: 1) If the LPC approves the application, it shall not be considered as a further development opportunity under the 1979 agreement; 2) The action of the commission will not invoke any provisions of the Burt Harris Act, or provide

further development opportunities; and 3) The applicant will not consider "anything that comes out of this application" as a development order, for purposes of Chapter 163 of the Florida Statutes.

After further discussion, Mr. Randolph clarified that an approval of any kind by the LPC will not be effective until all of the requirements (Comprehensive Plan Amendment, Zoning Amendment, and an amendment to the 1979 agreement) have been met. It was also clarified that if the LPC approves the project, the LPC can request that the applicant return to the LPC, after all the requirements (stated above) have been met. As to the LPC's ability to approve or deny at that later hearing, a member expressed that denial would not be an option unless the requirements had not been met or something substantial had changed. Mr. Randolph stated that such comments/questions should be reserved for the Certificate of Appropriateness hearing, when the applicant is present.

**VII. OTHER BUSINESS:(9:49:19 a.m.)**

No other business was discussed.

**VIII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(9:49:24 a.m.)**

None

**IX. ADJOURNMENT:(9:49:38 a.m.)**

**MOTION BY MR. COOLEY TO ADJOURN THE MEETING AT 9:50 A.M.  
MOTION SECONDED BY MR. ROBERTS AND MRS. GOLINO  
SIMULTANEOUSLY.  
MOTION CARRIED UNANIMOUSLY.**

**The next meeting of the Landmarks Preservation Commission will be held on  
Wednesday, February 17, 2010 at 9:30 a.m. in the Emergency Operations Center,  
3rd floor, 355 South County Road, Palm Beach, Florida.**

Respectfully submitted,

Charles S. Roberts, Secretary  
LANDMARKS PRESERVATION COMMISSION

cmd