TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE ARCHITECTURAL REVIEW COMMISSION
FRIDAY, NOVEMBER 21, 2003
TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. CALL TO ORDER

The meeting was called to order at 9:03 a.m.

II. ROLL CALL

PRESENT:

John H. Schuler, Chairman
Floyd L. Wideman, Jr., Vice Chairman
Marvin Rosenberg, Member
Leslie A. Shaw, Member
Nikita Zukov, Member
Morgan Dix Wheelock, Alternate Member
William J. Strawbridge Jr., Alternate Member (arrived at 10:11 a.m.)
Leslie C. Diver, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director Planning, Zoning & Building
Veronica Close, Assistant Director Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Gretchen Dayton, Recording Secretary

ABSENT:

Lindley M.F. Hoffman, Member (Unexcused)
Eric Adams, Member (Unclassified absence)

Note: Mr. Wheelock, Mr. Strawbridge and Ms. Diver were voting members during this meeting.

III. APPROVAL OF THE MINUTES FROM THE OCTOBER 22, 2003 MEETING.

MOTION BY MR. WIDEMAN TO APPROVE THE MINUTES.
MOTION SECONDED BY WHEELOCK.
MOTION CARRIED UNANIMOUSLY.

IV PLEDGE OF ALLEGIANCE

The pledge of allegiance was lead by Chairman Schuler.

V SWEARING IN PERSONS TESTIFYING.

Persons testifying were sworn in at this time and periodically throughout the meeting.

VI SELECTION OF ARCOM MEETING DATES FOR NOVEMBER AND DECEMBER 2004.

It was decided to hold all November and December ARCOM meetings on the third Friday of the month.

Mr. Wideman proposed a procedural change to have licensed architects make the initial presentation, and then if anyone else desires to speak, they may do so after the presentation. Mr. Randolph informed the commission that they may set a rule, if they feel it would be helpful, as long as the attorneys and the applicants are included. Mr. Moore advised them that they can limit attorneys from making the architectural presentation. Mr. Shaw suggested having staff give variance reports before the presentations. Attorney Ron Kolins responded, every applicant has the right to have an attorney represent them in a quasi judicial proceeding.

MOTION BY MR. WIDEMAN TO HAVE A NEW PRESENTATION PROCEDURE, THE ARCHITECT, LANDSCAPE ARCHITECT, OR HIS REPRESENTATIVE, SHOULD BE THE PRIMARY PRESENTER AND ANY OTHER ANCILLARY PEOPLE SHOULD FOLLOW. ALSO, IF A VARIANCE OR SPECIAL EXCEPTION HAS BEEN GRANTED, OR HAS BEEN APPLIED FOR, STAFF WILL INFORM THE COMMISSION BEFORE THE PRESENTATION.
MOTION SECONDED BY MR. ZUKOV.

ROLL CALL:
MR. WIDEMAN YES
MR. ZUKOV YES
DR. ROSENBERG NO
MR. SHAW YES
MR. WHEELOCK YES
MS. DIVER NO
MR. SCHULER YES
MOTION CARRIED 5-2.

Mr. Moore referred to a report from the Stratigic Planning Board entitled Governance Actions, pertaining to boards and commissions. The Town Council has asked the town boards and commissions to hold workshop meetings to take a look at these issues. These meetings will take place at the end of their next two regularly scheduled meetings.

VII PROJECT DEFERRALS/REMOVALS

B72-03 Addition

Applicant:	Leo and Edie Balestrieri
Address:	271 La Puerta Way
Architect:	Shane Ames
Project Description:	Add 200 s.f. on 1st floor consisting of foyer, bathroom and laundry room. Add 232 s.f. on 2nd floor consisting of living space, bedroom, bathroom and walk-in-closet. Relocation of garage on the 1st floor / building height shall remain as it exists. All new materials to match existing.

This project was deferred from the September and October meetings as no on was present to represent the project. The architect requests removal from the agenda.

B73-03 Addition

Applicant:	Marcie S. Stollof
Address:	120 Seagate Road
Architect:	Bali Design Group
Project Description:	Proposed two-story addition - single family residence / building - smooth stucco, roof - flat cement tiles, trim - precast (cream white) & smooth stucco, copper gutters pecky cypress shutters & garage door, aluminum railing (sage green), high impact windows (sage green).

This project was deferred from the September meeting for restudy and deferred from the October meeting at the attorney's request. The attorney again has requested deferral to the December meeting.

B82-03 New Residence V42-03

Applicant:	615 North Lake Trail (aka Crest Road)
Address:	Richard Richman
Architect:	Bridges, Marsh and Carmo
Project Description:	New two-story Colonial residence.

This project was deferred from the October meeting at the architect's request. The architect again requests deferral to the December ARCOM meeting pending Town Council action.

B86-03 Demolition, New Residence and Landscaping

Applicant:	11Via Vizcaya
Address:	11 Via Vizcaya
Architect:	Dailey Janssen Architects
Project Description:	Demolition of existing one-story residence and construction of a new two-story residence, pool, hardscaping and landscaping.

The attorney requested deferral to the January 2004 meeting.

B88-03 New Residence and Landscaping

Applicant:	13 Via Vizcaya
Address:	13 Via Vizcaya
Architect:	Dailey Janssen Architects
Project Description:	Construction of a new two-story residence, pool, hardscaping and landscaping.

The attorney requested deferral to the January 2004 meeting.

MOTION BY MR. WIDEMAN TO REMOVE PROJECT NUMBER B72-03 FROM THE AGENDA.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. WIDEMAN TO RE-ADVERTISE AND DEFER PROJECT NUMBERS B73-03 AND B82-03 TO THE DECEMBER MEETING, AND DEFER PROJECT NUMBERS B86-03 AND B88-03 TO THE JANUARY MEETING.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.

B. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B78-03 Additions SE 22-03

Applicant:	Biltmore Galleria, LLC
Address:	165 Bradley Place
Architect:	Blue Minges
Project Description:	Update buildings with an added arcade, drive through and an entry canopy.

This project was deferred from the October meeting at the architect's request.

Attorney Ron Kolins, representing the applicant, asked to have this project deferred to the January meeting.

MOTION BY MR. WIDEMAN TO RE-ADVERTISE AND DEFER THE PROJECT TO THE JANUARY MEETING.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.

B80-03 New Residence & Landscaping

Applicant:	PBC Realty, LLC
Address:	910 South Ocean Boulevard
Architect:	Randall Stofft
Project Description:	New two-story residence with pool house (cabana) and landscaping.

This project was deferred from the October meeting per staff comments.

Mr. Schuler and Mr. Zukov said they met with the architect and the developer. Mr. Wheelock said he met with the architect and visited the site.

Architect Randall Stofft described the Mediterranean style residence as having a simple balance. Landscape Architect John Lang presented the landscaping and the hardscaping portion of the project. Attorney Ron Kolins, responding to comments relative to the utility easement and the lack of streetscape drawings, asked to have the project heard again later in the meeting.

Mr. Strawbridge was in attendance at this time, thereby relieving Ms. Diver of her voting position.

MOTION BY MR. WHEELOCK TO DEFER THE PROJECT ON THE AGENDA TO THE BEGINNING OF SECTION C, NEW BUSINESS - MAJOR PROJECTS.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

This project was heard again after item number B83-03.

Architect Randall Stofft presented a streetscape drawing. Landscape Architect John Lang presented the final landscaping plan for this project. Attorney Ron Kolins indicated that the 17-feet wide pedestrian beach access easement will be partially used as a driveway, with ingress/egress from South Ocean Boulevard accessing a small garage on the property. He said they have an agreement with Florida Power and Light Company to use this easement. Mr. Stofft indicated that a glass and iron door was added to the front of the wooden entry door.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY DR. ROSENBERG.
MOTION CARRIED UNANIMOUSLY.

B83-03 Demolition, New Residence and Landscaping SE 28-03

Applicant:	Richard and Karen True
Address:	176 Seminole Avenue
Architect:	Brower Architectural Associates
Project Description:	Demolition of existing house proposed new two-story CBS and stucco residence. New landscape plan.

The Town Council deferred this project from their September and October meetings for informal review by ARCOM.

Mr. Wheelock said he visited the site and met with the attorney and the architect. Ms. Diver said she met with the landscape architect. Mr. Schuler and Mr. Zukov said they met with the architect.

Architect Raphael Saladrigras requested demolition of the single family home that was built in 1975 and designed by Architect Dillard Duff for Mr. and Mrs. Rufus Purcell. Landscape Architect Mario Nievera presented the after demolition vegetation plan. He stated that the ficus hedge along North County Road and along Seminole Avenue will remain during construction.

MOTION BY DR. ROSENBERG TO APPROVE THE DEMOLITION WITH THE PROVISION TO RETAIN THE PERIMETER HEDGE MATERIAL AND TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

Mr. Saladrigras presented the proposed replacement house to the Commission. He said the landscape changed due to an agreement with the easterly neighbor to plant eureka palms and heavier plant material. Landscape Designer Mario Nievera explained that the site wall with trimmed fiscus trees behind it will line the street.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. SHAW.

Under discussion, it was suggested to include a change to the corner landscaping. Mr. Wideman agreed and amended his motion.

AMENDED MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED WITH ASKING THE APPLICANT TO EXAMINE SQUARING OFF THE CORNER (LANDSCAPING) WITHIN THE REGULATIONS OF THE TOWN.
MR. SHAW WITHDREW HIS SECOND.
MOTION SECONDED BY MR. WHEELOCK.
MR. SHAW OPPOSED.
MOTION CARRIED 6-1.

C. NEW BUSINESS - MAJOR PROJECTS

B84-03 Demolition

Applicant:	Washington Mutual Bank
Address:	159 Sunset Avenue
Architect:	Smith & Moore Architects
Project Description:	Demolition of existing two-story wood frame structure

There were no ex parte communications disclosed regarding this project.

Architect Jon Moore reported that the house was constructed in the 1920's and there was no architect of record. He remarked that the house and associated buildings are in extremely poor condition.

MOTION BY MR. ZUKOV TO APPROVE THE DEMOLITION WITH THE USUAL CONDITIONS TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

B85-03 Demolition, New Residence and Landscape

Applicant:	Pitt Marital Trust
Address:	310 Tangier Avenue
Architect:	Dailey Janssen Architects
Project Description:	Demolition of existing one-story residence and accessory structure. Construction of a new two-story residence, pool, hardscaping and landscaping.

Mr. Zukov said he met with the architect. Mr. Wheelock said he went to the site. Mr. Shaw met with the architect and the attorney.

Architect Roger Janssen proposed the demolition of the single family home and the accessory building. Mr. Frank referred to the engineer's report indicating that a retaining wall on the rear of the property was required, and that the neighbor's site wall should not be used for this purpose. Also, the fences and the fiscus trees need to be removed from the easements. It was suggested to defer the landscaping portion of the project to address these issues.

MOTION BY MR. WHEELOCK TO DEFER THE LANDSCAPING PORTION OF THE PROJECT TO THE DECEMBER MEETING.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Janssen stated that the existing one-story residence was originally designed by Paul E. Kohler, Jr. in 1948. It was his opinion that the residence was not historically significant.

Landscape Architect Raymond Wall indicated that the perimeter landscaping will remain during construction.

MOTION BY MR. ZUKOV TO APPROVE THE DEMOLITION WITH THE CONDITION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

Architect Roger Janssen presented the proposed Georgian style house. It will have white brick veneer, on the lower portion of the main two-story section and on the garage wing. Roofing material will be green cement tiles resembling slate. The cornices will be molded plaster with dental details on the second floor.

Chairman Schuler read a letter from James L. McCann, 254 Tangier Avenue and a letter from Ester DeDeo, 251 Tangier Avenue, supporting the proposed project.

The Commissioner's made suggestions to enhance the appearance of the house. The widow's walk, chimney tops and dormer treatment on the garage were thought to be ill fitted with the architecture. As well, it was thought the windows were placed too close to the fascia and that the brick veneer should be restricted to a water table.

MOTION BY MR. ZUKOV TO CHANGE THE CHIMNEY DESIGN, KEEP THE WATER TABLE ALL OF THE WAY AROUND THE BUILDING AND TO REMOVE THE WIDOW'S WALK.

Under discussion, Property Owner Pauline Pitt, agreed with the Commission's suggestions. Mr. Janssen agreed to use the typical dormer windows on the garage. Attorney Ron Kolins, representing the applicant, asked for clarification of the motion.

AMENDED MOTION BY MR. ZUKOV TO APPROVE THE PROJECT WITH THE PROVISION TO REMOVE ALL OF THE BRICK, TO CHANGE THE CAPS ON THE CHIMNEYS, TO ELIMINATE THE WIDOW'S WALK, AND TO CHANGE THE DORMERS TO REGULAR DORMERS.

Further discussion took place regarding the windows abutting the fascia. Mr. Janssen stated that the intention was to read as a lintel running across all of the second level openings. Mr. Zukov remarked that if this can be worked out architecturally, then it would be all right.

MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

It was commented that the removal of the fiscus hedges from the rear easement was the only issue for ARCOM to review relative to the landscaping.

MOTION BY MR. SHAW TO RECONSIDER THE MOTION FOR DEFERRAL OF

THE LANDSCAPING TO THE DECEMBER MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

Mr. Wall presented the full landscape plan to the Commission.

MOTION BY MR. WHEELOCK TO APPROVE THE LANDSCAPING AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B87-03 Demolition, New Residence and Landscaping

Applicant:	10 Via Vizcaya
Address:	10 Via Vizcaya
Architect:	Dailey Janssen Architects
Project Description:	Demolition of existing two-story residence and construction of a new two-story residence, pool, hardscaping and landscaping.

Mr. Shaw said he met with the architect and the attorney and reviewed the plans. Mr. Zukov said he met with the architect and the developer. Mr. Wheelock said he visited the site.

Architect Roger Janssen proposed demolition of the one-story residence that was designed by Henry Harding in 1950.

MOTION BY TO MR. WIDEMAN TO APPROVE THE DEMOLITION WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

Mr. Janssen stated for the record that the surrounding hedges will remain throughout construction. He presented three dimensional CAD drawings of the proposed project that he described as a derivative of the Mediterranean style. It will be one and two-stories with sponge stucco walls, a stair tower feature and guest room above the garage. An imitation sandstone/limestone detail will appear at the cornices, sill courses, columns and at the base of the stair tower. The loggia feature on the rear of the house will be made of cypress wood.

Under audience comments, the following persons were recognized by the Chairman:
Architect Ames Bennett, who was representing four of the property owners on the street.
Micky Van Gerbig who resides at 12 Via Viczaya.
Monnie Donnelley who resides at 4 Via Viczaya.
Marjorie Meek owner of 10, 11 and 13 Via Viczaya.
Attorney Paul Rampell, representing Paul and Linda O'Keen, 3 Via Viczaya.
Attorney Ron Kolins, representing the applicant, read letters of support from Joe DeMelo, New Ventures of Palm Beach, 181 Clarendon Avenue; Anthony and Tori Baker, 145 Clarendon

Avenue; Stanley Franks, Durach Development, LLC, representing 9 Via Viczaya; and Barbara and Alfred Marulli, 167 Clarendon Avenue.

It was stated that the existing homes in the neighborhood interact with each other and the neighborhood is defined by the massing of these houses. The architectural style was felt to be not in keeping with this neighborhood.

Mr. Zukov left the meeting at 12:50 p.m. Therefore, Ms. Diver was voting for the remainder of the meeting.

Landscape Architect Chuck Yannette presented the landscape portion of the project. The existing 12' high ficus hedges will remain. Curved cocoanut palms will line the driveway.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT TO THE DECEMBER MEETING TO RESTUDY THE STYLE ISSUE AND MAYBE OFFER A NEOCLASSICAL FRAME OF REFERENCE.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

The meeting was reconvened at 2:00 p.m. after a lunch break.

B89-03 Demolition

Applicant:	Paul C. Saville and Linda J. Saville
Address:	1075 North Ocean Blvd.
Architect:	Smith and Moore
Project Description:	Demolition of existing single family residence, guest house, hardscape, walls and landscaping.

Mr. Wheelock said he visited the site.

Architect Harold Smith introduced the applicant's Attorney Maura Ziska, and then presented the demolition proposal. He reported that the 5,411 square feet house was designed by the architectural firm of Treanor and Fatio. It was built in 1941 and it is in average to poor condition.

MOTION BY MR. WIDEMAN TO APPROVE DEMOLITION WITH THE CONDITION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS AND TO RETAIN THE HEDGE AROUND THE PROPERTY.
MOTION SECONDED BY MR. STRAWBRIDGE.
MOTION CARRIED UNANIMOUSLY.

B90-03 New Residence

Applicant:	Dean DeSantis
Address:	589 North County Road
Architect:	Phoenix Architecture Inc.
Project Description:	New two-story residence with carriage house - approved by ARCOM previously - approval had expired.

There were no ex parte communications disclosed relative to this project. Mr. Schuler recused himself as his wife is the real estate listing agent for this property. He passed the gavel to Vice-Chair Wideman and left the dias during the discussion.

Architect Lynn McColl noted that this was the same project that was approved a year ago.

MOTION BY MR. SHAW TO EXTEND THE APPROVAL OF THE PROJECT FOR SIX MONTHS.
MOTION SECONDED BY ZUKOV.
MOTION CARRIED UNANIMOUSLY.

Vice-Chair Wideman passed the gavel back to Chair Schuler upon his return to the meeting.

B91-03 Addition

Applicant:	Jose Fanjul
Address:	220 El Dorado Lane
Architect:	Lee Kvarnberg
Project Description:	General improvements, loggia addition, site plan revisions.

Mr. Wideman said he spoke with the architect.

Architect Lee Kvarnberg proposed a loggia addition and revisions to the site. It was suggested removing the garage doors on the guest room addition and to finish the wall with stucco.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT WITH THE CHANGE OF THE GARAGE DOORS.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.

D. DEFERRALS AND CONTINUATIONS MINOR PROJECTS

A34-03 Site Lighting

Applicant:	Paul and Phyllis Fireman
Address:	14 South Lake Trail
Contractor:	Victor Rojas
Project Description:	Landscape lighting and other site lighting.

This project was deferred from the October meeting for restudy.

Ms. Diver, Mr. Wideman and Mr. Schuler said they met with the landscape designer and discussed the lighting plans.

Landscape Designer Mario Nievera introduced Lighting Consultant Victor Rojas and then presented the site lighting plan. He indicated that some palm trees and larger trees will be lighted throughout the property.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY DR. ROSENBERG.
MR. STRAWBRIDGE OPPOSED.
MOTION CARRIED 6-1.

E. NEW BUSINESS - MINOR PROJECTS

A35-03 Landscape & Hardscape

Applicant:	Amigo Partners
Address:	346 Brazilian Avenue
Designer:	Mario Nievera
Project Description:	Proposed hardscape and landscape designs

Ms. Diver, Mr. Wideman and Mr. Schuler said they met with the landscape designer.

Landscape Designer Mario Nievera presented the landscape and hardscape design. He proposed a low two feet high property wall with two feet of iron railing on top of it. Travelers palms and cocoanut palms will screen the east side and large Florida juniper trees will help screen the south property line.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. WHEELOCK.
MOTION CARRIED UNANIMOUSLY.

A36-03 Landscape

Applicant:	Walter Ragazzi
Address:	222 Plantation Road
Architect:	Veronica Boswell Butler, VBB Landscape Design
Project Description:	Landscape plan

Landscape Architect Veronica Boswell Butler described the landscaping plan as a tropical garden.

MOTION BY MR. WIDEMAN TO APPROVE AS PRESENTED.
MOTION SECONDED BY MR. WHEELOCK.
MOTION CARRIED UNANIMOUSLY.

A37-03 Site Lighting

Applicant:	Robert Krasnow
Address:	1480 North Ocean Blvd.
Contractor:	Luminary Effects
Project Description:	Site lighting

Ex parte communication disclosures

Lighting Consultant Don Collier presented the 2,700 watts of site lighting.

MOTION BY MR. WHEELOCK TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

A38-03 Site Lighting

Applicant:	Danielle Hickox
Address:	277 Pendleton Ave
Contractor:	Luminary Effects
Project Description:	Site lighting

There were no ex-parte communications regarding this project.

Lighting Consultant Don Collier presented the site lighting proposal.

MOTION BY MR. SHAW TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. WHEELOCK.
MR. ZUKOV OPPOSED.
MOTION CARRIED 6-1.

11/21/03 MINUTES

IX OTHER BUSINESS

There was no other business to be heard.

X ADJOURNMENT

The meeting was adjourned at 3:09 p.m.

The next meeting of the Architectural Review Commission will be held at 9:00 a.m. on Friday, December 19, 2003.

Respectfully submitted,

John H. Schuler, Chairman

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

NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
SCHULER JOHN HAMILTON	ARCom
MAILING ADDRESS: 200 TUNELO RD PALM BEACH	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: PALM BEACH COUNTY: PC	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED: 11-21-03	MY POSITION IS: ☐ ELECTIVE ☐ APPOINTIVE

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.

Your responsibilities under the law when faced with voting on 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.

DEC 1 8 2003

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must 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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must 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 must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must 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 must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John H. Schuler, hereby disclose that on 11-21, 2003:

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

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

11-21-03
Date Filed

John H. Schuler
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, 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 $10,000.

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

NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
SCHULER JOHN HAMILTON	
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
200 JUNGLE RD PALM BEACH	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
PALM BEACH FL	
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
11-21-03	☐ ELECTIVE ☐ APPOINTIVE

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.

Your responsibilities under the law when faced with voting on 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

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must 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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must 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 must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must 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 must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JOHN H. SCHULER, hereby disclose that on 11-21, 2003:

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

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

11-21-03
Date Filed

John H. Schuler
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLO-SURE 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 $10,000.