



TOWN OF PALM BEACH

Planning, Zoning & Building Department

**MINUTES OF THE ARCHITECTURAL COMMISSION MEETING
WEDNESDAY, OCTOBER 28, 1998
TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH**

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

II. ROLL CALL

PRESENT:

John H. Schuler, Chairman
Sally Gingras, Vice-Chairman
Laurel Baker, Member
Ethel Kinsella, Member
Lowry M. Bell, Jr., Member
Robert Deziel, Member
Joanna Frost-Golino, Member (arrived at 9:01 a.m.)
Floyd Wideman, Alternate Member
Marvin Rosenberg, Alternate Member (arrived at 9:01 a.m.)
Eric Adams, Alternate Member
Timothy M. Frank, Planner/Projects Coordinator
Robert L. Moore, Director of Planning, Zoning & Building
Clay Brooker, Town Attorney
Gretchen Dayton, Recording Secretary

III. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 23, 1998 MEETING.

MOTION BY MR. WIDEMAN TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. BELL.

MOTION CARRIED UNANIMOUSLY.

IV. SWEARING IN OF PERSONS TESTIFYING

ARCOM Minutes 10/28/98

Mr. Moore introduced Clay Brooker and said he will take Mr. Randolph's place as Town Attorney for this meeting.

Mr. Moore said the Town Council wanted him to pass along some issues regarding Commission Member absences. If any member will not be able to attend a meeting and they have an excusable absence, they should let the staff know within forty-eight hours. Each member will be required to be in attendance for two-thirds of the meeting and the recording secretary will keep track of comings and goings of Commission Members. He asked them to inform staff know if they anticipate being absent for two thirds of a meeting. He said that the Town Council recognizes the members are donating their time to attend these meetings.

V. PROJECT REVIEW

A. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B53-98 Addition

Applicant: Dr. and Mrs. Harvey Cove
Address: 309 Tangier Avenue
Architect: SKA Architects
ject Description: A 1,200 s.f. Addition to the second floor

This project was deferred from the July and August meetings and deferred from the September meeting at the architect's request.

The applicant requested a deferral to the November meeting.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

B65-98 Front Facade

Applicant: Mrs. Gale Brophy
Address: 1139 North Ocean Blvd.
Architect: Douglas Root
Project Description: Front facade renovation

The project was deferred from the August and September meetings.

ARCOM Minutes 10/28/98

The applicant requested a deferral to the November meeting.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

B67-98 New Residence

Applicant: John L. and Louisa R. Cohan
Address: 241 Kenlyn Road
Architect: Smith and Moore Architects
Project Description: Construction of a new two-story residence; renovations to existing guest house.

Demolition was approved at the August meeting.

This project was deferred from the September meeting at the applicant's request

Architect Harold Smith asked to have the project deferred.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. BAKER.

MOTION CARRIED UNANIMOUSLY.

B68-98 New Residence

Applicant: Bayhill Development
Address: 321 Brazilian Avenue
Architect: Smith and Moore Architects
Project Description: Construction of a new two-story residence with detached garage/staff quarters building.

Demolition was approved at the August meeting.

The project was denied at the September meeting and placed back on the ARCOM agenda at the Town Council's directive.

Mrs. Baker declared a previous Conflict of Interest and left the dais during the presentation.

Mr. Deziel said he spoke with the property owner Mr. DeMarco, the neighbor Sandra Laird and

ARCOM Minutes 10/28/98

Attorney Peter Broberg. Dr. Rosenberg and Mr. Schuler said they attended the Town Council meeting. All of the Commission members received a copy of the Town Council meeting minutes.

Mr. Frank said that revised plans were received after the initial staff review. Therefore, the plans have not been validated as to the numbers.

Mr. Moore said that the Town Council denied the applicant's appeal and sent it back to ARCOM. The Town Council approved the footprint of the building and left the architecture and mass of the building for ARCOM to review. The applicant has filed a variance to move the main structure, the pool and the accessory structure/garage further to the north which is scheduled to be heard by the Town Council at their November meeting.

There were different interpretations of the Town Council's direction to ARCOM and much discussion took place regarding the Town Council minutes. Mr. Moore said he believed the issue for ARCOM is to look at how the architecture addresses the massing of the house on the lot. He said if the Commission Members feel that neighborhood comparisons are an issue, then that is how they should proceed. He said the Town Council asked the applicant to come back for a variance to move the structure back ten feet. Mr. Wideman read the motion as transcribed in the Town Council minutes and he felt that other than moving the building back ten feet, the project should be under discussion regarding the size and square footage.

Attorney James Brindell, representing the applicant, said the conversation that took place at the Council meeting before the motion was made, should not be ignored. He thought the Council said in the end, that the footprint was acceptable, because variances were approved for setbacks and the site plan was reviewed. He said the Council felt that the fifteen-foot set back for this building was not that important as it abuts commercial buildings on Royal Palm Way. They thought if the building were moved back ten more feet, it would be a significant effort with regard to the massing issue as seen from the street. He said there were comments by the Council about taking square footage out of the second floor.

Architect Harold Smith said the building would be ten feet behind an adjacent landmarked wall and five feet behind the landmarked bungalow. He said the project was revised to have a more simplified Mediterranean look. He said the line of site, with the building pushed back an additional ten feet, would not appear to be any higher than the existing building on the lot. He presented street scape elevation drawings and said he felt the project would not overpower any of the other structures on the street with a beam height six inches higher than the townhomes next door. Mr. Smith said he measured and set up his drawing with a floor level eighteen inches higher than the finished floor of the house next door and to the best of his knowledge is accurate on his street scape drawing.

Mrs. Gingras noted that the proposed main house is 1,000 s.f. larger the existing house. She suggested lowering the plate height and she felt the front facade was a little boring and flat.

ARCOM Minutes 10/28/98

Mr. Bell said he was most concerned with the size of the house being so massive along the two property lines.

Mr. Deziel said the issue is the height of the beam relative to the neighboring properties as the ground elevation is higher than the older homes on the street. He felt this is a house that belongs on a bigger piece of property and the project needs to be in sync with the surrounding neighborhood.

Mrs. Kinsella suggested lowering the roof line a foot or two and she questioned if moving the footprint would be the solution.

Mrs. Frost-Golino wanted it known for the record that the entire project is 5,598 square feet, the CCR is 6.7 and the building height is 22 feet. She said it appears the plate height is significantly higher than anything else on the street. She said that Mr. Smith showed her an alternate proposal to this project with a diagonal entry, set back significantly, so the apparent plate height at the street was less. Even though the new building would be moved back, it would appear the same as the existing building does on the street and the existing building appears quite high, because it is set forward and it is one square mass on the street. In terms of height, in terms of architectural style by being a box, and in terms of mass, it seems this house is not fitting in on the street and does not meet ARCOM requirements.

Mr. Wideman said from his point of view, the house is simply too big. The east and the west facades huge as they face the neighbors. It is too big for the site and he would recommend the project go back to the drawing board. He said the applicant has done nothing other than slide the house back ten feet. That is not a compromise, it is just saying "here we'll move it back ten feet and put the same house that you once wanted to defer, but ended up denying."

Mr. Adams said he liked the house very much, but not where it is. The house is a bit boxy and the second floor could recede.

Dr. Rosenberg said he agreed with many of the members of the Town Council that the house would not work and provided the room sizes and the number of rooms if the square footage were reduced. He suggested giving up the sitting room and shift the entire second floor to the north as it would eliminate some square footage and break up the facade. He complimented Mr. Schuler on his representation of the opinions of ARCOM before the Town Council.

Mr. Schuler said he preferred the second presentation which had an entry on an anglur arrangement. He said that its going to take an innovative architectural approach to this pedicular piece of property because the building will be boxy and long. It means the facade needs to take on an appearance that will reduce it in size.

Mr. Deziel wanted to send the Town Council a message that we are trying to work along their

directions and work with the applicant. He did not have an objection to the footprint and that it works with the previously obtained variances. It is the second floor massing and everything that gets added onto the footprint. He said, if they cut fifteen to twenty percent out of the square footage, they would still be in excess of one hundred and fifty percent larger than the average of all the homes around them.

MOTION BY MR. BELL TO DEFER THE PROJECT TO THE NOVEMBER MEETING FOR FURTHER STUDY TO UTILIZE THE SPACE CALLED THE STAFF QUARTERS INTO THE MAIN HOUSE, REDUCE THE MAIN HOUSE BY FIVE OR SIX HUNDRED SQUARE FEET, MATCH THE WEST ELEVATION WHERE THE STAIR IS ON THE EAST ELEVATION BY BREAKING UP THE MASS AND GO BACK TO A BETTER FRONT FACADE.

MOTION SECONDED BY MR. DEZIEL

MOTION CARRIED UNANIMOUSLY.

B72-98 New Residence

Applicant: Doyle and Barbara M. Rogers
Address: 230 Clarke Avenue
Architect: Smith and Moore Architects
Project Description: New two-story residence

This project was deferred from the September meeting.

Architect Harold Smith presented the project and said the house has been reduced by 209 square feet and the CCR was reduced to 4.32 from 4.47. He presented street scape drawings and photographs and compared the CCR's of the neighboring properties. A vestibule was created which will have a wrought iron, aluminum and glass door at the first entry opening onto a pair of raised panels doors beyond. A balcony on the west side was eliminated and the quoins were reduced in height and elongated slightly. He presented other studies of the quoins showing them as straight quoins in all four corners at full height, more rusticated quoins with the bands stopping at the second floor and with no quoins at all. He felt the more rusticated quoins and staggered at full height was in keeping with the Italian Renaissance style and defined the three major masses of the front elevation.

It was commented that it still appears big that it is bigger than all of the others around it and it looks dissimilar to the house next door. It was felt that not a lot has been done to reduce the impact of mass on the street since the last meeting. The color was discussed and it was felt it was quite bright. The quoining, the shutters and the middle french doors make the house looks busy and massive. The plate height should be addressed as the street is quite low. The architecture is in keeping with the neighborhood, but the windows seem narrow on the second floor. Some of the members felt the height of the house was not a problem, but some of the square footage should be removed rather than

take away from the beam height.

Mr. Smith said the house color will be pink with grey roof tiles.

Property owner Doyle Rogers addressed the Commission and said he felt that this house is in keeping with Clarke Avenue.

MOTION BY MR. BELL TO APPROVE THE PROJECT WITH THE PROVISION THAT THERE WILL BE AN ADDITIONAL TWO HUNDRED SQUARE FEET ELIMINATED BY WORKING WITH MRS. FROST-GOLINO ON SOME DETAILS.

Mrs. Frost-Golino felt this is something the whole Commission would have to do together.

MR. BELL WITHDREW HIS MOTION.

Mr. Rogers said he would be willing to reduce the house forty-two square feet to make it one square foot smaller than the largest house on the street.

Dr. Rosenberg stated that according to the guidelines this project is not excessively dissimilar.

MOTION BY MRS. GINGRAS TO APPROVE THE PROJECT AS PRESENTED WITH THE PROVISIO THE HOUSE COLORS COME BACK FOR REVIEW WITH THE LANDSCAPING.

Chairman Schuler passed the gavel to Vice-Chairman Gingras.

MOTION SECONDED BY MR. SCHULER.

ROLL CALL:

MRS. GINGRAS	YES
MR. SCHULER	YES
MRS. BAKER	NO
MRS. KINSELLA	YES
MR. BELL	NO
MR. DEZIEL	NO
MRS. FROST-GOLINO	NO

MOTION FAILED 3-4.

Vice-Chairman Gingras passed the gavel back to Chairman Schuler.

MOTION BY MRS. BAKER TO DEFER THE PROJECT WITH A RESTUDY OF THE APPEARANCE OF MASS ON THE FRONT FACADE, A RESTUDY OF THE BUILDING COLOR AND REVISITING THE SQUARE FOOTAGE ISSUE.

MOTION SECONDED BY MRS. KINSELLA.

AMENDED MOTION BY MRS. BAKER TO DEFINE THE REDUCTION OF SQUARE FOOTAGE TO BE 7%.

ARCOM Minutes 10/28/98

Much discussion took place regarding the reduction in size of the project. Mr. Smith said he could reduce the project to a 4.1 CCR and keep the square footage the same. It was suggested to lower the floor to ceiling height of each floor by six inches, traying the ceilings on the second floor and adjusting where the level of the floor is between the two floors, thereby reducing the project to a 4.1 CCR.

**MRS. KINSELLA WITHDREW HER SECOND TO THE MOTION.
MRS. BAKER WITHDREW HER MOTION.**

Mr. Deziel wanted to give some direction to the applicant for the presentation next month. He said the project should meet the average CCR of the neighborhood and the architectural details that were discussed should be addressed.

**MOTION BY MR. DEZIEL TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MRS. BAKER.
MR. SCHULER OPPOSED.
MOTION CARRIED 6-1.**

B74-98 New Duplex

Applicant: Seminole East Corporation
Address: 231/235 Seminole Avenue
Architect: Scott Granet
Project Description: Duplex

This project was deferred from the September meeting.

Mrs. Frost-Golino, Mr. Bell, Mrs. Baker, Mrs. Gingras, Mrs. Kinsella and Mr. Schuler said they met with the architect regarding the project.

Architect Scott Granet presented the project and said it is a two family house on Seminole Avenue. He eliminated the stair towers on the sides of the building and created one story wings. The center of the building was folded back for less mass on the street. The garages were pushed away from the street. The windows and doors were detailed. The landscape ratio is now at 43%. He handed out a CCR study to the Commission Members.

All of the Commission Members felt the project was greatly improved from the last presentation. Mrs. Baker asked that the third garage be removed as it is totally dissimilar for this type of development. Mrs. Frost-Golino was not in favor of the proposed "S" tile for this project. Chairman Schuler read a letter from Clare Sullivan, who resides next door at 243 Seminole Avenue, stating her concern of the

ARCOM Minutes 10/28/98

location of the air-conditioning equipment.

Mr. Granet said he would keep in mind Ms. Sullivan's concerns when the heating/air-conditioning equipment is located on the property. It was suggested to bring the location of the a/c equipment along with the landscape plans when they come for ARCOM approval. Mr. Granet stated that "real" materials will be used on this project and the windows will have impact glass so that no panels or shutters will be used.

MOTION BY MRS. BAKER TO DEFER THE PROJECT TO THE NOVEMBER MEETING AND RETURN WITH PLANS SHOWING THE ELIMINATION OF THE THIRD GARAGE.

It was suggested to leave the front garage where it is and incorporate part of it back into the house which would not affect the outside of the townhouses.

AMENDED MOTION BY MRS. BAKER TO APPROVE THE PROJECT WITH THE PROVISIO TO ELIMINATE THE THIRD CAR GARAGE AND THE SPACE TO BE RECONFIGURED HOWEVER THE ARCHITECT WISHES, PUSH THE FOOTPRINT BACK FIVE FEET AND USE CLAY BARREL TILE ROOFING MATERIAL.

MOTION SECONDED BY MR. BELL.

OTION CARRIED UNANIMOUSLY.

B60-98 New Residence

Applicant: Robert A. Garvy
Address: 200 Esplanade Way
Architect: Thomas Kirchhoff
Project Description: New two-story residence

This project was deferred from the July and August meeting and deferred from the September meeting at the architect's request.

The Architect requested a deferral to the November meeting.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. BAKER.

MOTION CARRIED UNANIMOUSLY.

B. NEW BUSINESS - MAJOR PROJECTS

B79-98 Demolition

Applicant: 3 Island Partners Lakefront
Address: 1000 Indian Road
Architect: Thomas Kirchhoff
Project Description: Demolition of existing two story residence

Architect Thomas Kirchhoff said the existing house was originally designed by Maurice Fatio in 1937 and it was a very modern style. In 1960 the house was redesigned to be two stories and became nondescript.

MOTION BY MRS. KINSELLA TO APPROVE THE DEMOLITION WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE VACANT LOT WITHIN 30 DAYS. MOTION SECONDED BY MR. BELL. MOTION CARRIED UNANIMOUSLY.

Attorney Ron Kolins asked to have project #B83-98 deferred to the end of the new projects if he is not in attendance at the time the project is called. Chairman Schuler agreed.
The meeting was recessed for a lunch break at this point and it was reconvened at 1:30 p.m.

Mr. Moore announced that Mrs. Frost-Golino had a family matter to attend to and would be late coming back to the meeting.

B80-98 Addition

Applicant: Clive Stuart-Findlay
Address: 225 Sandpiper Drive
Architect: Robert Henry
Project Description: Renovation of street facade and addition to master bedroom.

Architect Robert Henry presented an elevation drawing of the existing elevation and drawings of the proposed changes. He said the windows and doors will be changed and shutters will be added. He said they wanted to change some windows that are not shown on the drawings. The new windows will be wood, divided lites and wood french doors. The existing roof tiles are brown that will be painted white.

Mrs. Gingras said this is a very nice example of what can be done to update homes that some people feel they have to tear down.

**MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. KINSELLA.
MOTION CARRIED UNANIMOUSLY.**

B81-98 Demolition

Applicant: Palm Beach Trust
Address: 309 Wells Road
Attorney: L. Frank Chopin
Project Description: Demolition of existing structure

Attorney Frank Chopin said he is the owner of the property as trustee for the Palm Beach Trust. He said the house was built in 1950, designed by William O'Sparklin from Tampa and later renovated by Ames Bennett.

**MOTION BY MR. DEZIEL TO APPROVE THE DEMOLITION WITH THE PROVISION
TO SOD OR SEED AND IRRIGATE THE VACANT LOT WITHIN 30 DAYS.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.**

B82-98 New Residence

Applicant: Ocean Bay Holdings
Address: 140 Clarendon Avenue
Architect: Ralph Cantin
Project Description: New residence

Staff recommends deferral as the project does not meet the code requirements.

**MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER
MEETING.
MOTION SECONDED BY MRS. GINGRAS.
MOTION CARRIED UNANIMOUSLY.**

B83-98 New Residence

Applicant: Nikita and Paula Zukov
Address: 1226 North Lake Way
Architect: Nikita Zukov and Consulting Architect Jackie Albarran
Project Description: New two story single family Mediterranean style residence.

Attorney Ron Kolins was not in attendance at the time this project was called.

MOTION BY MRS. KINSELLA TO MOVE THE PROJECT TO THE END OF NEW BUSINESS ON THE AGENDA.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

This project was heard after item #B86-98.

Mr. Deziel recused himself as he represented the neighbors in their objection of the project to the Town Council and returned to the dais after the presentation.

Mr. Frost-Golino, Mr. Wideman, Mr. Bell, Mrs. Baker, Mr. Schuler, Mrs. Gingras, Mrs. Kinsella and Mr. Adams said they spoke with the architect.

Mr. Moore said this project was before the Town Council and received two variances; one for the point of measurement of 6", and the other for a side yard variance for the garage. The property owners who objected at the Town Council meeting have filed a law suit against the Town on this matter. He said ARCOM may review the project, but the applicant may proceed at their own risk as this matter has not reach the court for a hearing at this point. Mr. Brooker said that ARCOM's discussions and comments will not be considered in the litigation.

Attorney Ron Kolins introduced Architect Jackie Albarran. Ms. Albarran presented aerial photographs of the property. The house is Mediterranean style and it will have one and two story sections with a court yard in the center. The CCR will be 3.8, the FAR will be at 38%, the lot coverage will be 26% and the landscaping is 53%. The second floor balcony will have a pergola effect and the railing will be aluminum with a wrought iron look. Wood columns and wood shutters will be used. The windows will be wood, but clad on the outside for protection.

Mr. Frank read a letter from Michael and Phillis Dennis who live at 1221 North Lake Way.

Attorney Thomas J. Baird representing Mr. and Mrs. Bruno spoke to the Commission regarding the pending law suit.

ARCOM Minutes 10/28/98

Architect Steven A. Yeckes addressed the Commission and said he was retained by the Bruno's to do a study of the neighborhood. He said the lot slopes tremendously toward the front and it would have to be developed so that it will not spill onto the neighbor's lot. He said the existing house had a floor level of 11 feet which is deceiving as it had a garage below the grade. He said the variances allow the proposed house to have a higher point of measurements and to have closer set-backs. He felt the Mediterranean style was not in keeping with the neighborhood. He was concerned with the height of the chimney as it is a prominent design element of the house.

Mr. Moore said the building codes state that any construction that incurs on said property must take in consideration the drainage onto the abutting properties.

Attorney Ron Kolins spoke on behalf of the applicant and said they do not want a project deferral based upon the pending law suit.

Mr. Baird asked the Commission to defer the project for 30 days until the case goes to court. Chairman Schuler said that project deferral would be based on an architectural standpoint only.

Mr. Wideman felt the house fits in the neighborhood and on the lot, and that it is well designed in the true Mediterranean tradition.

. Baker agreed with Mr. Wideman about the design.

Mrs. Gingras said the one story sections of the proposed house and the Bruno's one-story house look very close to being the same height.

Mrs. Albarran said she did not have the CCR calculations for the neighborhood, only for the houses on either side of the project. She said the Bruno's house has a CCR of 2.38, the house on the other side has a CCR of 4.13 and the proposed project has a CCR of 3.8.

The Commission felt the neighborhood CCR comparisons were needed for the presentation.

Mrs. Frost-Golino was concerned that by receiving the variance this may be a way to build a very tall and very large house without it being apparently so, because the point of measurement has been moved.

Mr. Al Bruno, who resides at 1230 North Lake Way, addressed the Commission and said he believed they should hold up the integrity of the north end of the Town.

MOTION BY MR. BELL TO DEFER THE PROJECT TO THE NOVEMBER MEETING FOR ADDITIONAL STUDY.

MOTION SECONDED BY MRS. FROST-GOLINO TO INCLUDE THE PRESENTATION OF THE DATA FOR THE NEIGHBORHOOD IN CHART FORM.

MOTION CARRIED UNANIMOUSLY.

B84-98 New Residence

Applicant: A.R. Building Company
Address: 218 Jamaica Lane
Architect: The Pandula Architects
Project Description: New Two story residence

Mr. Deziel said he spoke with some members of the audience during the break in connection with this project. Mrs. Kinsella said she received a letter from Mr. Barton in reference to the project and she put it in the file. Mr. Schuler said he spoke with a gentleman in the audience during the break.

Robert Sims of the Palm Beach Daily News stated there was a wrong application in the ARCOM file and a correction stating that this project is a single family residence rather than a duplex project will be run in the newspaper.

Architect Eugene Pandula said he has taken over this project that was denied at a previous meeting. He said they were given the same program for the site development as the other architect and was asked to present a different proposal. Mr. Pandula said the intent is to remove the existing 2,800 square foot, two-story house on the site. He said the house was designed by Howard Major in the early 1940's and is in very bad repair inside. The new structure will sit conceptually at the same location on the site, but at the same time correcting the numerous zoning defaults that exist. There is a non-conforming 12.5 foot side yard set back on one side and 5 foot tapering to approximately 4 foot set back on the other side. He compared the existing house with the proposed house and said they are very similar in size and the proposed project will be less visible from the street. He said front yard set back is at 30 foot and a large portion of the house will be set back 47 feet from the street. The proposed house is 4900 s.f. and the CCR is 1.8 times the average for the neighborhood. The house is "L" shaped with a stair tower at the corner. He presented a vertical angle of vision study showing the proposed building 3 degrees less than the existing building and he said that the highest point of the new building is lower than the original building.

Mrs. Frost-Golino returned to the meeting at this time.

Mr. Pandula said he has not specifically asked for a separate demolition permit. Mr. Moore said they need demolition approval before the building can be torn down, but they don't need demolition

ARCOM Minutes 10/28/98

Mrs. Frost-Golino returned to the meeting at this time.

Mr. Pandula said he has not specifically asked for a separate demolition permit. Mr. Moore said they need demolition approval before the building can be torn down, but they don't need demolition approval to show the Commission new plans. Mr. Pandula said they studied putting an addition on the existing house and felt that with the non-conformities and the condition of the existing house it would be best to build a new house.

The design of the proposed house was well liked and he was commended on the 19'6" plate height. Mr. Pandula said he understood that 1.8 times larger than the size of the average house in the neighborhood is a big, but on the other hand he has demonstrated that it will appear less than the existing building. The angle of vision is less, the amount of building that touches a minimum side yard set back is greater, and the non-conforming zoning issues have been corrected. It was felt that the new house should be compared to the neighborhood and not with what is there, because it is twice as big as the others on the street.

Mr. Frank read letters in the file in opposition to the project from Mr. and Mrs. Barton of 216 Jamaica Lane, one addressed to Ethel and another letter addressed to Mr. Moore, a telephone message from Carol Ives, 237 Jamaica Lane and a letter in support of the project from Thomas X. Parker of 215 Jamaica Lane.

Mr. David Barton, Mr. Joe William Weeks and Mr. Thomas Parker addressed the Commission at this time.

Mr. Moore read the Schedule of Regulations of the Zoning Ordinance, Article 4, Section 4.10 which states that there are no guarantees to allow the maximums in the code. He said these regulations are not intended to allow maximum development under many of the possible combinations of the minimum and maximum thresholds set forth herein.

MOTION BY MR. BELL TO DEFER THE PROJECT TO THE NOVEMBER MEETING AND TO REDUCE THE SQUARE FOOTAGE BY AT LEAST 1,000 SQUARE FEET.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore said that Dr. Rosenberg had a patient to see at 3:00 and left the meeting.

Mr. Barton addressed the Commission again at this time.

B85-98 New Residence

Applicant: A.R. Building Company
Address: 225 Mockingbird Trail
Architect: The Pandula Architects
Project Description: New one story residence

Architect Eugene Pandula said there is an existing residence of approximately 2300 square feet and will in the future ask for a demolition permit. The replacement house is approximately 4400 square feet and will be one story, including covered porches and a free standing cabana structure. He said the CCR is 3.94 and the FAR is 34.5%. There will be two main wings 25 feet set-back and the most outward wings stepping back an additional 6 feet on each side and the central main entrance and main mass will be set back 37 feet. The house revolves around a court yard with a side loading garage and auto mobile court in the rear. He said there will be a series of five gabled ends of the house with the center one making the front entrance. The building will have a very light spray applied stucco texture. The Dutch gable framing only the front door will be white painted brick as well as the planter areas across the front of the house. The colors will be white on white, charcoal grey flat cement roof tile and black operable aluminum shutters.

All of the Commission Members felt the street scape drawing indicated that the project fits in the hborhood even though the numbers are larger than average and that it was a lovely design.

Mrs. Baker was delighted with the garage off of the street and in the rear of the property.

Mrs. Kinsella asked Mr. Pandula to restudy the driveway when planning the landscaping.

Ann Rosell who lives across the street from this project addressed the Commission.

MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. BAKER.

ROLL CALL:

MRS. KINSELLA	YES
MRS. BAKER	YES
MRS. GINGRAS	YES
MR. BELL	NO
MR. DEZIEL	YES
MRS. FROST-GOLINO	YES
MR. SCHULER	NO

MOTION CARRIED 5-2.

B86-98 New Townhouse

Applicant: Earl Hollis
Address: 330 Brazilian Avenue
Architect: The Pandula Architects
Project Description: New two story townhouse

the Architect requested a deferral to the November meeting.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Mr. Frank stated for the record that Mrs. Baker will not be able to attend the November 20th ARCOM meeting due to a previous commitment.

C. DEFERRALS AND CONTINUATIONS - MINOR PROJECTS

B-98 Lighting

Applicant: CPS Properties
Address: 324 Royal Palm Way
Architect: Robert Bell
Project Description: Addition of lighting to illuminate building in the evening hours.

The Architect requests a deferral to the November meeting.

MOTION BY MR. WIDEMAN TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. FROST-GOLINO.

MOTION CARRIED UNANIMOUSLY.

C. NEW BUSINESS - MINOR PROJECTS

A45 -98 Sliding Glass Doors

Applicant: Mr and Mrs. Howard Bernick
Address: 110 Sunset Avenue
Architect: The Pandula Architects
Project Description: Add two new sliding glass doors.

Architect Eugene Pandula said the apartment is on the second floor of the condominium and the 6 foot by 8 foot glass sliding doors have been approved by the condo association.

**MOTION BY MRS. GINGRAS TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. KINSELLA.
MOTION CARRIED UNANIMOUSLY.**

A46 -98 Pavilion

Applicant: Mr. And Mrs. John Zenko
Address: 232 Tangier Avenue
Architect: The Pandula Architects
Project Description: Add one story, 80 s.f. entry pavilion.

Architect Eugene Pandula asked for three minor site revisions. The driveway is now centered on the main entry of the house and they would like to slide it to the east so that it centers on the swimming pool. A proposed site wall will continue the existing wall and it will be open on three sides. The third site revision would be a pool deck, a planter and possibly a whirlpool in the back yard. He said the entry pavilion is mainly a gate with a Ludeweci clay tile roof.

Landscape Architect John Lang and Mrs. Kinsella discussed the ficus hedge along the front of the property. Mr. Lang agreed to create an interesting entrance with the hedge.

Mr. Pandula asked for a conceptual approval so that they may pour grade beams on schedule.

**MOTION BY MR. BELL TO DEFER THE PROJECT TO THE NOVEMBER MEETING
AND TO APPROVE THE FOOTPRINT OF THE PAVILION.
MOTION SECONDED BY MRS. KINSELLA.
MOTION CARRIED UNANIMOUSLY.**

A47 -98 Trellis

Applicant: Mr. And Mrs. Edwin Sidman
Address: 1 Sloans Curve Drive
Architect: The Pandula Architects
Project Description: Install aluminum trellis at the north elevation of the building.

Architect Eugene Pandula said the Town Council approved a variance to increase the height of the site wall and part of the approval was to add more plantings to the wall. He said the wall has not been done due to a law suit with a neighbor, but they will continue with all of the other commitments. He said they would like to use vines such as bougenvilla to soften the building.

**MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. GINGRAS.
MOTION CARRIED UNANIMOUSLY.**

A48 -98 Gates

Applicant: RH Properties Holding L.C.
Address: 1507 North Ocean Way
Architect: Ralph Cantin
Project Description: New Gates

**MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.**

A49-98 Revisions

Applicant: Paul Okean
Address: 600 Tarpon Way
Architect: Keith Spina
Attorney: Jim Paine
Project Description: Window treatment on east elevation and chimney top detail.

Mrs. Frost-Golino, Mr. Bell, Mrs. Kinsella, Mr. Deziel and Mr. Schuler said they spoke with Mr. Paine and visited the site.

Architect and Attorney Jim Paine presented the project. He said there were changes made in the field

ARCOM Minutes 10/28/98

which came back to the Commission last month for approval. All of the changes were approved with the exception of the plate glass side lites adjacent to the front door and the brick chimney caps. He said he wrote a letter asking for reconsideration for this meeting, which was granted.

Mr. Schuler said he did not think that by putting muntins on the windows elevated the situation with the stained lead glass behind the windows, because they are still visible from the street.

MOTION BY MR. DEZIEL TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. BELL.

MR. SCHULER OPPOSED.

MOTION CARRIED 6-1.

A50-98 Landscape

Applicant: Janina Radtke
Address: 146 Seminole Avenue
Architect: Lang Design
Project Description: Hardscape and Landscape

Landscape Architect John Lang presented the project and said the entrance to the driveway is centered on the front door. He said the owner wanted a small balustrade wall along the front of the property. Mr. Lang did not have an elevation drawing of the building showing the wall and landscaping.

It was commented that the wall may look too commercial and there was no indication of grass on the landscape plan. Mr. Lang said there was no room for grass on the site.

MOTION BY MR. DEZIEL TO DEFER THE PROJECT TO THE NOVEMBER MEETING AND PRESENT A FRONT ELEVATION DRAWING SHOWING THE PROPERTY WALL.

MOTION SECONDED BY MRS. FROST-GOLINO.

MOTION CARRIED UNANIMOUSLY.

A51-98 Landscape

Applicant: Euro-Homes
Address: 306 and 314 Chilian Avenue
Architect: Lang Design
Project Description: Hardscape and landscape plans

Landscape Architect John Lang said he wanted to downplay the very boxy building with tall plant material. The said there will be 8 foot ficus hedges along the sides of the property.

The Commission suggested to cut down on the pavement at the front of the building. They felt that the canary date palm trees are overdone in town. Mr. Lang said the site wall at the street will have a decorative metal panel and columns. It was determined that the wall has not been approved by ARCOM at any time. The Commission wanted a front elevation drawing of the proposed landscaping showing the wall and how it relates to the building beyond. They suggested using less pavement in the rear and on the sides of the property. Grass in the pavement was suggested to cut down on the pavement and it was suggested to perhaps use an alternative to the canary date palm trees.

MOTION BY MRS. FROST-GOLINO TO DEFER THE PROJECT TO THE NOVEMBER MEETING

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

A52 -98 Hardscape

Applicant: Wittmann Building Corp
Address: 110 Clarendon Avenue
Architect: Lang Design
Project Description: Hardscape plans

Landscape Architect John Lang the circular driveway will have old St. Louis brick with old Chicago brick as the border. Gravel will be used in the service driveway. There will be a court yard in the rear of the house with a lot of grass and coconut palm trees.

**MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. GINGRAS.
MOTION CARRIED UNANIMOUSLY.**

Mr. Adams left the meeting at this time.

A53 -98 Hardscape

Applicant: Fair Dinkum Construction
Address: 1430 North Lake Way
Architect: Lang Design
Project Description: Hardscape plan

Landscape Architect John Lang said the center court has a formal fountain in the middle with a walkway and a formal garden. There will be a traditional roman style pool in the rear of the property centering on the existing pool cabana. He said a neighbor objected to the driveway location, so they will bring the curb cuts in and bring the front wall into the property to approximately 5'.

MOTION BY MR. BELL TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

A54-98 Landscape

Applicant: Mrs. Lita Fromstein
Address: 238 Via Las Brisas
Architect: Architectural Alliance
Project Description: Landscape plan

Thomas White with Architectural Alliance presented the project. He said the driveway will have keystone pavers with an old Chicago brick border. Royal palm trees will line the driveway. There will be flowering trees on the sides and an aluminum picket fence.

Mrs. Kinsella asked Mr. White to replace the ficus hedge in front with a hibiscus hedge.

MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT WITH THE PROVISION TO USE A HIBISCUS HEDGE ALONG THE FRONT OF THE PROPERTY.

MOTION SECONDED BY MRS. BAKER.

MOTION CARRIED UNANIMOUSLY.

A55-98 Driveway and Gates

Applicant: Addison Construction
Address: 236 Via Las Brisas
Architect: Phoenix Architects
Project Description: New driveway and aluminum gates

Michael Hickey representing Phoenix Architects presented elevation drawings of the proposed entry gates and a pedestrian gate. He said there are existing gate piers and there will be no site wall.

It was felt that it would look strange not having a wall, just a pileon on each side of the gate. Mr. Hickey said the planting is very dense along the area where a wall would be placed. The Commission felt it would be best to research other gates in the area and felt that both gates should be similar looking.

MOTION BY MRS. BAKER TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

A-98 Revisions

Applicant: Mr. Rocco Marcello
Address: 170 Clarendon Avenue
Architect: Slattery and Root
Project Description: Gates, lattice work and water heater enclosures on north and south cabanas.

Mr. Bell said he visited the site.

Mr. Moore said these changes are already there and they were discovered at the final inspection.

Architect Doug Root said a side entry was changed. The 7' high cypress wood service gate was changed. The main gate is a metal gate. A CBS wall was put in at the yacht basin that is not on the property and Mr. Root said that Mr. Marcello is donating the wall to the property owners who own the street. Mr. Root said the other property owners approved of the wall along the road. Exterior cypress wood lattice was added to cover up an electrical box. There was a stucco enclosure built behind the two cabanas. Mr. Root did not have drawings to show the location of the air-conditioning equipment.

MOTION BY MR. BELL TO APPROVE THE PROJECT WITH THE PROVISION TO ADD A SOLID CBS WALL TO MATCH THE EXISTING WALL AND AT THE SAME HEIGHT, FROM THE SERVICE ENTRANCE TO THE CABANA IN THE REAR OF THE PROPERTY.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore said that staff asked Mr. Lang to present a revised landscape plan for this project.

Landscape Archtiect John Lang said the owner made some changes. He said that ficus nitida was not available so the landscaper planted ficus benjamina and the inspector noticed the change. He said that driveway aprons were installed with pre cast and sod and the plantings in the easement were removed.

MOTION BY MRS. BAKER TO APPROVE THE LANDSCAPE CHANGES AS PRESENTED.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

A57-98 Gate

licant:	Ann Deborah Fishman
Address:	143 Clarendon Avenue
Contractor:	Royal Iron and Aluminum
Project Description:	Install fence and a gate

No one was present to represented the project.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. GINGRAS.

MOTIO CARRIED UNANIMOUSLY.

VI. CONSENT AGENDA

1. 159 Atlantic Ave, Dr. and Mrs. Boner, (Contractor) Joe Hart, Carpenters roofing, change roofing material from clay barrel to clay "Spanish S" tile.

Mr. Frank said the existiing roof material is concrete barrel.

MOTION BY MRS. GINGRAS TO APPROVE THE CONSENT AGENDA.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

VII. OTHER BUSINESS

It was decided to place the Consent Agenda first on the ARCOM agenda.

The Commission asked that the neighborhood CCR information be in written form in the file and to be handed out at the meeting. The requirement is for RB zoning district only, but it was agreed that staff would encourage the architects to do the research in the other zoning districts.

The meeting procedures were discussed and it was agreed that the general public will make their comments before the Commission.

It was felt that the proposed driveways should be reviewed while a project is in the architectural phase and encourage them to put some grass in the driveways.

Discussion took place regarding Commissioners making comments that may not be appropriate when members of the Commission do not agree with each other.

Project denial vs project deferral was discussed and it was felt that a denial should be made when a project is at the end of the line, but if a project is still in the early stages, it should be deferred and then the applicant may appeal to the Town Council if they wish.

VIII. ADJOURNMENT

The next Architectural Review Commission meeting will be held on Friday, November 20, 1998.

The meeting was adjourned at 7:05 p.m.

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

NAME—FIRST NAME—MIDDLE NAME <i>enil Robert Edward</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Arcom</i>	
MAILING ADDRESS <i>239 S. Ocean Blvd.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <i>Palm Beach</i>	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <i>Town 7 Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>Sept 1998</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are 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:

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, Robert David, hereby disclose that on Lyth, 19 98:

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

☐ 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 Mr. and Mrs. Al Brune, 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:

The Brune's are clients of my law firm.

10-28-98
Date Filed

Robert David
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.

1377-98

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Ernel Robert E.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Alcon</i>	
RESIDING ADDRESS <i>235 S. County Rd.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <i>Town of PD</i>	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY	☒ COUNTY
DATE ON WHICH VOTE OCCURRED <i>Sept 1998</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		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.

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; to 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, Robert Desiel, hereby disclose that on Sept 28, 1998:

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

- ☐ 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 Donald Burns, 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:

Mr. Donald Burns is a client of my law firm,

October 28, 1998
Date Filed

Robert Desiel
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.