

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE ARCHITECTURAL REVIEW COMMISSION

WEDNESDAY OCTOBER 27, 2004

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:

Floyd L. Wideman, Jr., Chairman
Morgan Dix Wheelock, Vice Chairman
Eric Adams, Member
Marvin Rosenberg, Member (arrived at 9:15 a.m.)
Leslie A. Shaw, Member
Nikita Zukov, Member
William P. Feldkamp, Member
William J. Strawbridge Jr., Alternate Member
Leslie C. Diver, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Gretchen Dayton, Recording Secretary

ABSENT:

Thomas M. Youchak, Alternate Member (excused absence)

III PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Chairman Wideman.

IV. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 22, 2004 MEETING.

Mr. Wheelock asked that the minutes be corrected on page 11, reflecting that the applicant's attorney met him at his office and they discussed project number A28-04.

MOTION BY MR. WHEELOCK TO APPROVE THE AMENDED MINUTES.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

V PROJECT DEFERRALS/REMOVALS

B74-04 New Residence

Applicant: West Group Residential, LLC
Address: 1451 North Lake Way
Architect: Robert L. Bell
Project Description: Construction of new two-story Mediterranean style residence.

Demolition was approved and the new construction was deferred for restudy at the September meeting.

The architect requests deferral to the November meeting.

B86-04 Addition

Applicant: Mr. And Mrs. Bruce and Leigh Failing
Address: 221 El Bravo Way
Architect: SKA Architect + Planner/Jacqueline Albarran
Project Description: Revisions to a previously approved addition and renovation consisting of a new front entry and a smaller one-story addition of the west side of the structure. All detailing to match the existing.

The architect requests deferral to the November meeting.

B82-04 New Residence, Landscape & Hardscape

Applicant: Castledown, LTD
Address: 241 Jungle Road
Architect: Thomas M. Kirchhoff
Project Description: New two-story Georgian residence and one-story cabana. New pool, hardscape and preliminary landscape.

The architect requests deferral to the November meeting.

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

MOTION SECONDED BY MR. WHEELOCK.

MOTION CARRIED UNANIMOUSLY.

VI TOWN COUNCIL PROJECTS - VARIANCE REQUESTS

Formal action may or may not be taken relative to these projects

B25-04 New Residence V20-04

Applicant: 171 Royal Poinciana, LLC
Address: 171 Main Street
Architect: Shibao International Corporation
Project Description: Construction of a new single family residence

Note: This project was deferred from the April and September meetings at the architect's request, deferred from the May and June meetings at the staff's recommendation and deferred from the July meeting for further review. Demolition only was reviewed and approved at the August meeting.

No one was present to represent this project.

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

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

B70-04 New Residence V31-2004

Applicant: Taja Realty Trust
Address: 125 Seminole Avenue
Architect: Smith and Moore Architects
Project Description: New two-story residence with pool.

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

Architect Harold Smith presented a two-story shingle style home for the subject property. He explained that the siding at the first floor level will have a lapped pattern and the second floor level will be scalloped. The siding will be made of Hardi-Plank building material and the roofing material will be made of cedar wood. To give the house an open feeling, a porch will wrap around the front and east sides of the house.

The shingle style of architecture was well received by the Commission. Suggestions were made to further improve the project, such as; remove the applied shingles on the columns, cut the corner of the porch roof on the west elevation, and reduce the radius of the column capitals from 45° to 30/60.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT EXCEPT FOR TURNING THE CORNER HIP ROOF AND POSSIBLY GOING TO A 30/60 INSTEAD OF A 45° COLUMN.

It was advised that a motion relative to the variance request should be made first.

MOTION DIED FOR A LACK OF A SECONDED.

MOTION BY MR. WHELOCK TO RECOMMEND TO THE TOWN COUNCIL THAT THE PROJECT ARCHITECTURALLY MERITS THE VARIANCE APPLICATION.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT WITH THE PROVISION THAT THE PATIO OF THE SOUTH ELEVATION, ON THE WEST SIDE, GOES ON A HIP AND THE CAPITAL OF THE COLUMNS GO ON A 30/60 RATHER THAN A 45° AND THE COLUMNS REMAIN SHINGLES.

MOTION SECONDED BY MR. WHELOCK.

ROLL CALL:

MR. ZUKOV	YES
MR. WHEELLOCK	YES
MR. ADAMS	YES
MR. SHAW	NO
MR. FELDKAMP	YES
MR. STRAWBRIDGE	NO
MR. WIDEMAN	NO

MOTION CARRIED 4-3.

Note: Dr. Rosenberg was in attendance after this project had been called to the table. Therefore, Mr. Strawbridge was a voting member for this project.

B71-04 New Residence V28-04

Applicant:	159 Sunset Avenue, LLC
Address:	159 sunset Avenue
Architect:	SKA Architect + Planner
Project Description:	Construction of new two-story Mediterranean style home to be approximately 4,500 square feet.

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

Ms. Diver, Mr. Shaw, Mr. Feldkamp and Mr. Wideman said that they met with the architect and reviewed the plans. Mr. Wheelock said he met with the architect at the site and in the office, and he spoke with him on the telephone. Mr. Zukov said he met with the architect and visited the site.

Architect Pat Seagraves advised that the Town Council approved the variance requests at their last meeting.

Mr. Frank read a letter of opposition to the proposed project from Josie Fleury, who resides at the Sun & Surf Condominium.

MOTION BY MR. ZUKOV TO APPROVE AS PRESENTED WITH THE PROVISION TO REMOVE ALL OF THE HORIZONTAL BARS FROM THE WINDOWS.

MOTION SECONDED BY DR. ROSENBERG.

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

MOTION SECONDED BY MR. ADAMS.

DR. ROSENBERG WITHDREW HIS SECOND.

**MR. FELDKAMP AND MR. ZUKOV OPPOSED.
MOTION CARRIED 5-2.**

A. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

VII PROJECT REVIEW

B45-04 Renovation

Applicant: Ms. Betty Marcus
Address: 217 Tradewind Drive
Architect: SKA Architects + Planner
Project Description: Renovation of existing single story residence and addition of a second story.

This project was deferred from the June and September meetings at the architect's request. It was deferred from the July and August meetings for restudy.

Architect Pat Seagraves asked the Commission to defer the project to the November meeting.

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

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

B. NEW BUSINESS - MAJOR PROJECTS

B79-04 Demolition and New Residence

Applicant: Kathrynes Corp.
Address: 209 Mockingbird Trail
Architect: Robert L. Bell
Project Description: Demolition of existing residence and construction of a new two-story Mediterranean style residence.

Mr. Shaw said he met with one of the owners of the property and the architect to review the plans. Mr. Adams said he met with the architect and reviewed the plans. Mr. Wheelock said he went to the site. Mr. Zukov said he met with one of the owners and the architect and visited the site.

Architect Robert Bell reported that the house was designed by Henry Harding in 1950. He noted that several small additions were constructed over the years. Mr. Bell agreed to keep the perimeter landscaping on the lot.

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

Architect Robert Bell presented the two-story Mediterranean style replacement house which will have two single story elements on either side. The building materials include barrel tile roofing, cast stone around the entry and windows, and cypress wood outlookers. He proposed different options for the front entry; a series of solid mahogany doors with either two rectangular side lites or a glass transom window, and a rectangular shaped door.

It was commented that none of the three entry options were very exciting in comparison to the house. The watertable was appreciated, and it thought that it would look better if it were painted a darker color than the house. Removal of the second floor banding would improve the appearance of the house as well. Because the proposal is a Mediterranean style, and it is two-stories, it was believed to be too dissimilar for this neighborhood.

**MOTION BY MR. ZUKOV TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. WHELOCK.
MOTION CARRIED UNANIMOUSLY.**

B80-04 Demolition and New Residence

Applicant:	Francis and Agnes Conroy
Address:	201 Kenlyn Road
Architect:	Garcia, Brenner, Stromberg Architecture
Project Description:	Demolition of existing house and construction of a new two-story CBS house.

Mr. Wheelock said he visited the site.

Architect Peter Stromberg asked for project deferral.

**MOTION BY MR. WHELOCK TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.**

The architect was informed that the demolition portion of the project could be reviewed at this time.

Mr. Stromberg explained that the existing one-story Bermuda style house was constructed in 1955. It was designed by Architect George Votaw and it has no historical significance.

Mr. Stromberg did not have a plan for the remaining vegetation material after the demolition because they planned to begin construction immediately. Consequently, Chairman Wideman suggested deferral of the entire project.

**MOTION BY DR. ROSENBERG TO DEFER THE ENTIRE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. ZUKOV.**

Wayne Dimm, 211 Kenlyn Road, objected to a large two-story home proposed for the small lot.

Mr. Wheelock requested that the hedges to the west and the east be saved.

MOTION CARRIED UNANIMOUSLY.

B81-04 New Residence, Landscape & Hardscape

Applicant: Dave Scialabba
Address: 233 Mockingbird Trail
Architect: Thomas M. Kirchhoff
Project Description: New two-story residence in the Island Classical style. New pool, hardscape and landscaping.

Ms. Diver, Mr. Feldkamp and Mr. Adams said they met with the architect and reviewed the plans. Mr. Shaw said he spoke with the architect on the telephone. Mr. Wheelock said he met with the architect and visited the site.

Architect Thomas Kirchhoff proposed a new Colonial style residence for the subject property. After discussion, it was determined that the landscape and hardscape proposals were preliminary and not for final review as the application indicated.

Ann Copeland, 232 Mockingbird Trail, spoke in opposition of the two-story home constructed in this neighborhood of one-story homes.

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

B83-04 Addition

Applicant: Brian Holman
Address: 200 Bermuda Lane
Architect: James C. Paine, Jr.
Project Description: Second story bedroom addition over garage area. Materials, colors, and architectural style to match existing.

Mr. Frank announced that the applicant has decided not to add a second story to this home, but they would like to continue with the window and garage door upgrades. He recommended staff approval of these requested changes.

**MOTION BY MR. WHELOCK TO REMOVE THE PROJECT FROM THE AGENDA.
MOTION SECONDED BY DR. ROSENBERG.
MOTION CARRIED UNANIMOUSLY.**

B84-04 Demolition and New Residence

Applicant: Malcolm Gefter and Katherine Kirk
Address: 1530 North Lake Way
Architect: Michael Graves and Associates
Project Description: Demolition of existing two-story residence and pool. Construction of new two-story Spanish style residence.

No one was present when this item was called to the table.

**MOTION BY MR. SHAW TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. ADAMS.
MOTION CARRIED UNANIMOUSLY.**

The architect was present after item B85-04.

Mr. Wheelock recused himself from participating in this project as the applicant is his client.

**MOTION BY MR. ADAMS TO BRING ITEM B95-04 BACK TO THE TABLE.
MOTION SECONDED BY DR. ROSENBERG.
MOTION CARRIED UNANIMOUSLY.**

Associate Architect John Debot and Project Architect Edward Tuck presented the project to the Commission. Mr. Debot reported the history of the existing two-story residence. The house was built in 1956 for owner Kirk Sullivan and designed by Grayberg, Allen, Babcock Architects.

Several additions have been added to the house over the years.

**MOTION BY DR. ROSENBERG 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.**

It was the consensus of the Commission that the Contemporary/Tuscan style home was well designed. However, the two-car garage was designed for tandem parking which does not meet the town's zoning codes.

**MOTION BY MR. ZUKOV TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. ADAMS.
MOTION CARRIED UNANIMOUSLY.**

Landscape Architect Don Skowrn presented the preliminary landscape plan at this time.

B85-04 New Residence

Applicant: Tim and Blair Givens
Address: 278 La Puerta Way
Architect: Blue Minges
Project Description: Construct a new two-story Colonial style residence.

Mr. Wheelock said he visited the site.

Architect Blue Minges presented a two-story colonial style residence. He noted that the building color will be yellow, the flat cement roofing will be grey, and the shutters will be green. The hardscaped area will consist of old Chicago brick material.

The size difference of the two-story project in relation to the neighboring one-story houses was believed to be too much. Because the garage was accessible only by backing into it, it was suggested to restudy the design which may involve a redesign of the building. It was requested to widen the front door, remove some of the shutters on the east elevation, and reduce the number of muntins in the windows on the south elevation.

**MOTION BY MR. ZUKOV TO APPROVE THE PROJECT IN PRINCIPAL AND COME BACK WITH THE MUNTINS, SHUTTERS AND DRIVEWAY.
MOTION DIED FOR THE LACK OF A SECOND.**

MOTION BY MR. ADAMS TO DEFER THE PROJECT TO THE NOVEMBER

MEETING TO RESTUDY THE MUNTINS, SHUTTERS, THE FRONT DOOR AND THE GARAGE.

MOTION SECONDED BY MR. WHEELOCK.

MOTION CARRIED UNANIMOUSLY.

B87-04 Demolition

Applicant: Mr. Leonard Rogers
Address: 241 Fairview Drive
Designer: M. Perry Design, Inc.
Project Description: Demolition of an existing one-story residence.

Mr. Wheelock said he visited the site.

Designer Michael Perry requested demolition of the existing home that was built in 1951 by Paul Kohler, Jr. He agreed to maintain as much vegetation on the lot as possible.

MOTION BY DR. ROSENBERG TO APPROVE DEMOLITION WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.

MOTION SECONDED BY MR. WHEELOCK.

MOTION CARRIED UNANIMOUSLY.

B88-04 Demolition

Applicant: Regine Traulsen
Address: 128 Ocean View Road
Architect: Brower Architectural Associates
Project Description: Demolition of an existing residence and portions of existing landscape.

Mr. Wheelock said he visited the site.

Designer Raphael Saladrigas requested demolition of a Bermuda style home, designed by Belford Shoemate in 1951.

Landscape Architect Ray Wall explained that the perimeter hedge material will remain on the site.

MOTION BY DR. ROSENBERG TO APPROVE DEMOLITION WITH THE CONDITION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.

MOTION SECONDED BY MR. WHEELOCK.

MOTION CARRIED UNANIMOUSLY.

C. DEFERRALS AND CONTINUATIONS MINOR PROJECTS

A22-04 Landscape & Lighting

Applicant: Luxwood Enterprise Limited
Address: 4 La Costa Way
Contractor: Bob Palmer
Project Description: Landscape & Security lighting

This project was deferred from the July and August meetings for restudy.

No one was present to represent this project.

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

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

A27-04 Landscape, Hardscape & Site Lighting

Applicant: Ms. Dana Hammond
Address: 395 North Lake Way
Landscape Designer: Mario Nievera Design
Project Description: Landscape, Hardscape & Landscape Lighting

This project was deferred from the August meeting at the Designer's request.

Keith Williams, representing Mario Nievera Design, presented the project. He proposed a series of piers and walls with bougainvillea vines as the entry to the property. A private entry courtyard will have a fountain with low plantings around it.

Project Architect Jeffrey Smith presented an elevation drawing of the proposed driveway with tumble brick and cast stone material.

Mr. Williams stated that the landscape lighting will all be less than 80 watts. Large trees, hedges and bougainvillea vines will have up lighting. Ten lights are proposed for the north side of the property and ten lights are proposed on the south side.

MOTION BY MR. WHELOCK TO DEFER THE PROJECT TO THE NOVEMBER MEETING AND COME BACK WITH THE PROPER COURT YARD DESIGN, DRIVEWAY DESIGN, A LIGHTING PLAN SHOWING WHERE THE FIXTURES WILL BE LOCATED AND A MATERIAL BOARD.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

D. NEW BUSINESS - MINOR PROJECTS

A31-04 Awning

Applicant: McCarty's Restaurant/Sidney Speigel
Address: 50 Cocoanut Row #101
Architect: NXG Architecture, Inc.
Project Description: Redesign existing awning, new pavers replacing landscaping for new outdoor seating area

Mr. Wideman, Mr. Wheelock and Mr. Zukov said they met with the owner of the restaurant.

Architect Noe Guerra presented a perspective drawing of the proposed awning. The awning will be off-white with a pale green banding. Pavers will be added to the east side of the building allowing for additional outdoor seating.

Mr. Moore informed the Commission that this proposal was reviewed by the Town Council for a special exception, but the outdoor seating is subject to acceptance by the landlord.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

A32-04 Landscape & Hardscape

Applicant: George Abouzeid
Address: 1072 North Ocean Boulevard
Landscape Architect: Newlands Design Group
Project Description: landscape and hardscape plans

Mr. Wheelock said he visited the site.

Landscape Architect Ray Wall mentioned that this project is new landscape for an existing house. He proposed a Tuscan style site wall with small openings, and cast stone and brick decoration.

MOTION BY MR. WHELOCK TO APPROVE THE PROJECT SUBJECT TO ELIMINATING ALL OF THE DECORATION ON THE OUTSIDE OF THE SITE WALL.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

A33-04 Landscape, Hardscape & Site Lighting

Address: 101 Casa Bendita
Applicant: 101 Casa Bendita, LLC
Architect: Warren McCormick
Project Description: New landscape plan and hardscape plan.

Mr. Wheelock said he met with the property owner and the architect, and visited the site.

Landscape Architect Warren McCormick presented the landscape and hardscape proposed for the property.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

Lighting Consultant Walt Jenkins proposed 25 watt path lights and 26 watt fluorescence lights for the ligustrum trees.

The applicant was asked to meet with the neighbors and discuss the light fixtures along the street, as they may be intrusive to them.

MOTION BY MR. ZUKOV TO APPROVE THE LIGHTING IF THE NEIGHBOR APPROVES IT, IF THEY DON'T, THE THREE LIGHTS IN THE MIDDLE, (ALONG THE STREET), WILL BE REMOVED, AND TO MAKE ONE LIGHT A DOWN LIGHT.

MOTION SECONDED BY DR. ROSENBERG.

MOTION CARRIED UNANIMOUSLY.

VIII OTHER BUSINESS

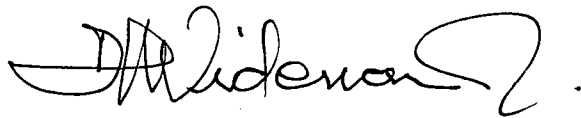
Mr. Moore commented, as a result of a landmarked house that was demolished without full awareness of the intent, staff will take a more proactive stance in telling the Commission when a project should be deferred for further study. He stated that reconstruction will require a determination, by an architect or an engineer, that the building has outlived its life and should be rebuilt.

IX ADJOURNMENT

The meeting was adjourned at 2:45 p.m.

The next meeting of the Architectural Review Commission will be held at 9:00 a.m. on Friday, November 19, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "F. Wideman, Jr.", followed by a period. The signature is fluid and cursive.

Floyd L. Wideman, Jr., Chairman

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

NAME—FIRST NAME—MIDDLE NAME WHELOCK, MORGAN DIX		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCYM	
MAILING ADDRESS 301 AUSTRALIAN AVE. PALMBEACH		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY OCT. 27 2004	COUNTY	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION:	
		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 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, Noyan Wheelock, hereby disclose that on October 27, 2004.

(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 _____, 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:

*BBF - 04 Owner, Malcom Gelter is my Client
1530 North Lake Way*

Date Filed

October 27 2004

Signature

Noyan Wheelock

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

LAST NAME—FIRST NAME—MIDDLE NAME WHEELLOCK, MORGAN DIX		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCUM	
MAILING ADDRESS 301 AUSTRALIAN AVE. PALMBEACH		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY OCT. 27 2004	COUNTY	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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 DECISION 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, Noyan Wheelock, hereby disclose that on October 27, 192004.

(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 _____, 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:

*BBF - 04 Owner, Malcom Geffer is my Client
1530 North Lake Way*

Date Filed

October 27 2004

Signature

Noyan Wheelock

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.