

TOWN OF PALM BEACH

Planning, Zoning & Building Department

**MINUTES OF THE ARCHITECTURAL REVIEW COMMISSION
WEDNESDAY JANUARY 22, 2003
TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH**

I CALL TO ORDER

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

II ROLL CALL

PRESENT:

John H. Schuler, Chairman
Floyd L. Wideman, Jr., Vice Chairman
Eric Adams, Member
Marvin Rosenberg, Member
Leslie A. Shaw, Member
Lindley M.F. Hoffman, Member
Nikita Zukov, Member
Morgan Dix Wheelock, Alternate Member
William J. Strawbridge Jr., Alternate Member
Leslie C. Diver, Alternate Member
John C. Randolph, Town Attorney
Veronica Close, Assistant Director Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Gretchen Dayton, Recording Secretary

III PLEDGE OF ALLEGIANCE

Chairman Schuler lead the pledge of allegiance.

IV APPROVAL OF THE MINUTES FROM THE DECEMBER 20, 2002 MEETING

MOTION BY MR. WIDEMAN TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

ARCOM Minutes 1/22/03

Mr. Shaw commented that he wanted more dialog in the minutes when a vote is split between the commissioners.

V SWEARING IN PERSONS TESTIFYING

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

VI PROJECT DEFERRALS/REMOVALS

B92-02 Demolition

Applicant: Arturo V. Burigaito
Address: 137 Australian Avenue
Project Description: "Demolition."

This project was deferred from the November and December meetings at the property owner's request. The owner requests deferral to the February meeting.

MOTION BY WIDEMAN TO DEFER THE PROJECT TO THE FEBRUARY MEETING.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

VII PROJECT REVIEW

B. NEW BUSINESS - MAJOR PROJECTS

B1-03 Demolition and New Residence

Applicant: David V. Reese
Address: 108 Dolphin Road
Architect: Sally Gingras
Project Description: "Demolition of existing structure and construction of a new one and two story residence."

Mr. Wheelock said he visited the site.

Architect Sally Gingras presented photographs of the house that her clients have lived in for 35 years. The home is in decent condition, but does not respond to its ocean front location. The house was designed by Arthur Weeks and built in 1957. Additions were designed and built over the years by several different architects. Mature seagraves will be relocated and a green buttonwood tree will remain on the lot.

MOTION BY MR. WIDEMAN TO APPROVE DEMOLITION.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

Ms. Gingras pointed out that the lot is double sized, allowing the house to be set back 80' from North Ocean Boulevard and 30' from Dolphin Road. She indicated that the house will be 24% of the site, landscaping at 61% and the hardscaped area at 15%. The entry, on the north elevation, was design to have a double staircase leading to the front door. Garage and staff areas will be located on the west side of the house and away from the street. Building materials include white flat roofing, possibly manufactured by Ludowici, yellow stucco walls, and cast stone quoins and trim, having the appearance of coquina. Impact resistant, casement windows will be clad in bronze, and the shutters will be white aluminum. Ms. Gingras mentioned that several stylistic elements come from a plantation in Barbados that the Reese's have long admired. The preliminary landscaping includes a number of sable palms transplanted for maximum privacy for both properties.

Mr. Wideman questioned the size of the window in the bathroom on the south elevation. Mr. Hoffman complimented the architect for designing a house in proportion and scale as it could have been very massive. Mr. Adams suggested re-shaping the windows that flank the entry. Dr. Rosenberg thought the windows on the east elevation could relate better to the French doors. Mr. Wheelock applauded the site plan and the preliminary landscape plan. He suggested extending the parking apron six feet to the south to allow the back out of the south bay of the garage.

MOTION BY MR. ADAMS TO APPROVE THE PROJECT WITH THE PROVISION TO MAKE THE BATHROOM WINDOW ON THE SOUTH ELEVATION THE SAME SIZE AS THE OTHER WINDOWS ON THAT ELEVATION, THAT THE BACK OUT AREA (DRIVEWAY APRON) IS MADE MORE COMMODIOUS, AND TO RESTUDY THE WINDOWS FLANKING THE ENTRANCE FOR LATER STAFF REVIEW.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

B2-03 Renovation

Applicant: Mr. and Mrs. Kevin McGovern
Address: 224 South Ocean Boulevard
Architect: Smith Architectural Group
Project Description: "1. Exterior renovation to the north and east elevation. 2. All details and finishes match existing."

Architect Jeffrey Smith asked for project deferral.

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

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B3-03 New Residence

Applicant: Dana Hammond Trust
Address: 395 North Lake Way
Architect: Smith Architectural Group
Project Description: "New Mediterranean style, two-story residence. Coral stone and stucco veneer, barrel tile roof."

There were no ex-parte communications disclosed regarding this project.

Architect Jeffrey Smith presented renderings of the proposed project and Associate Donald Kino assisted with the presentation. Mr. Smith pointed out that the cubic content ratio was at the maximum of 3.88. The building materials include stone, stucco, barrel (clay) tile roofing, and a string course of stone from the base of the house to the second floor level.

Mr. Wideman disliked the small windows used in this project. Mr. Adams perceived the house as large. Mr. Smith admitted that not a great deal of thought was put into the preliminary landscape plan. Mr. Frank reported that the storm water management plan was not submitted with the ARCOM package.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT CONTINGENT UPON THE PRESENTATION OF THE STORM WATER MANAGEMENT PLAN TO STAFF, IF THE PLAN IS NOT SATISFACTORY, THE ARCOM APPROVAL WILL BECOME VOID.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

B4-03 New Residence

Applicant: True 680, LLC
Address: 680 South County Road
Architect: Thomas Kirchhoff
Project Description: "New two-story residence in the style of a classical French villa."

Mr. Shaw, Mr. Wideman, Mr. Schuler, and Mr. Adams said they met with the architect. Mr. Wheelock said he visited the site.

Architect Thomas Kirchhoff introduced Landscape Architect Bert Krebs. Mr. Kirchhoff stated that the proposed style of the home was French Regency. He reviewed the site plan and indicated that there will be a parking court along the El Vedado Road and formal gardens at the corner of El Vedado and South County Road. He remarked that the project will be completely enclosed in a wall. The entry door will be centered and recessed three feet from the facade columns. Materials for the building facades include stucco and acid wash cast stone. The roof will have Ludowici tiles having the appearance of slate. Loose granite stones with granite cobblestone pavers are the proposed driveway materials.

Landscape Architect Bert Krebs indicated that the two gardens at the corner of the property to be the most prominent of the landscape design. A three-foot hedge will be planted on the outside of the property walls. Another hedge, which will grow to a twelve feet height, will be planted inside the property walls.

Mr. Wideman greatly approved of the entire project. Mr. Adams thought that this house would loom over the house to the west, as it will only be fifteen feet away. Mr. Wheelock noted that due to a series of walls and tight turning radius, it would be difficult entering from South County Road. He thought that there may be a violation of the agreement, which was made when the demolition was approved, to retain the existing hedging and cypress trees. Mr. Kirchhoff understood the agreement was to maintain the vegetation during the construction process. James Orthwein, president of True Properties, commented that the neighbor to the north of this property asked to remove the hedge. And, Code Enforcement requested that the hedge be cut back at the corner of the two roads. Mr. Krebs stated that there are fifteen cypress trees on the site and they plan to relocate twelve of them. Mr. Randolph was asked what could be done to uphold the agreement that was previously made? He responded, a determination would be made if there was a violation, if so, then there could be litigation to rectify the matter. Mr. Wheelock noted that the proposed building design requires removal of the trees and hedges. He informed the commission that cypress trees are very delicate and almost impossible to grow. Mr. Frank suggested scaling the house back if the agreement were to be upheld.

MOTION BY DR. ROSENBERG TO APPROVE THE PROJECT, HOWEVER IF STAFF FINDS THAT THERE WAS A CONFLICT IN TERMS OF ANY PORTION OF AN AGREEMENT, AND THE DESIGN ELEMENTS THAT WILL BE PRESENTED FOR

REVIEW, THEN THOSE ISSUES SHOULD BE WORKED OUT BY STAFF, IF STAFF FEELS THAT THE ARCHITECTURAL DESIGN HAS TO BE CHANGED, THEN THEY WILL COME BACK TO THE COMMISSION.

Under discussion:

Mr. Schuler asked the architect to consider all of the aspects of the agreement that he made. Mr. Frank recommended going ahead with construction of the building, and have the landscape/hardscape, lighting, and site walls come back with the incorporation of the trees at their present location. Mr. Shaw asked that the walls be built inside the existing hedging or to remove all of the walls from the plan. Mr. Wideman disagreed with approving an architectural design based upon the existing landscaping.

**MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

The minutes of the November 2002 meeting regarding this project are attached to these minutes.

C. DEFERRALS AND CONTINUATIONS MINOR PROJECTS

A42-02 Revisions

Applicant: Mary T. Khawly
Address: 888 South Ocean Boulevard
Designer: Stedila Design / Consulting Architects: Smith & Moore
Project Description: "Remove windows, doors, and fireplace - alter openings - install impact resistant units - install new entry door surround - alter/extend balcony - interior improvements / his & her bath additions - relocate interior stair - install spiral stair unit in covered terrace to balcony."

This project was deferred from the December meeting for project clarification.

There were no ex-parte communications disclosed regarding this project.

Architect Harold Smith introduced Designer John Stedila. Mr. Stedila proposed a new entrance which included a cast stone frieze incorporated into the arch, and a glass door with French wrought iron grillwork. A two-story window will bring light into the interior staircase. Balcony railings will be replaced with tubular stainless steel railings and solid railings with sections of Deco designs. The fireplace and chimney will be removed and replaced with large glass panes at the second floor level.

The following suggestions and comments were made to further enhance to project:

- Raise the two-story window off the floor and bring it down from the top so that it doesn't run the full length of the building.
- The two styles of railings did not relate to each other.
- The railing with sections of grillwork took away from the design of the main entrance.
- Use the same type of window in the living room as what was proposed for the bedroom.
- The existing door surround was very Art Deco, but the new entry, with glass and wrought iron, did not contribute to the style.
- The balcony railings and the windows, with the exception of the two-story window, were fine the way they were presented.
- The two-story window was very Art Deco and suited the house.

MOTION BY MR. HOFFMAN TO DEFER THE PROJECT TO THE FEBRUARY MEETING TO CONSIDER SOME OF THE SUGGESTIONS THAT HAVE BEEN MADE.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

D. NEW BUSINESS - MINOR PROJECTS

A1-03 Roofing Material Change

Applicant: Atlantic Palms Condominium Association
Address: 220 Atlantic Avenue
Contractor: Gulfstream Roofing
Project Description: "Re roof existing front balcony overhang. Go back with Altusa clay tile terra cotta color. Roof cannot be seen very well. Cement barrel existing."

Jim Norton, representing Gulfstream Roofing Company, referred to photographs of the existing condominium building. He pointed out the existing cement barrel tile roof that had once been painted white.

The commissioners agreed that a flat white tile would suit the architecture of the building. It was commented that a barrel tile on a very low pitched roof was not a good idea from a drainage point of view.

MOTION BY MR. SHAW TO APPROVE FLAT CEMENT TILE, BUILT UP ASPHALT ROOFING MATERIAL OR A FLAT ROOF IN A WHITE OR OFF-WHITE COLOR.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

A2-03 Site Lighting

Applicant: Judith Knudsen
Address: 593 Island Drive
Contractor: Luminary Effects
Project Description: "Site lighting."

Lighting Consultant Don Collier presented a site lighting plan which had a total of 2,000 watts.

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

A3-03 Site Lighting

Applicant: The Breakers
Address: 1 South County Road
Engineer: Kuhns Engineering
Project Description: "Pathway/landscape lighting on walkway from the hotel to the restaurant."

Electrical Engineer David Lithgow proposed lighting 19 cocoanut palm trees with 100 watt mercury vapor bullet fixtures. The existing lighting in a large seagrape tree will be replaced and three lights will be added at the base of the tree. Two 70 watt fixtures will light the entry of the restaurant.

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

A4-03 Loggia & Terrace

Applicant: Eugene and Marcia Applebaum
Address: 325 Via Linda
Architect: Smith Architectural Group
Project Description: "Remove existing 12' x 23' open air loggia with roof terrace and replace with new 16' x 53' open air loggia with roof terrace. Relocate existing pool and site wall/steps. All materials and paint color and details shall match existing house."

Mr. Wheelock declared a conflict of interest and stepped down from the dais during the presentation.

Architect Jeffrey Smith introduced Architect Don Kino and Landscape Architect Don Skowron.

Mr. Smith stated that the plan was to demolish and rebuild the loggia, retaining wall, and the swimming pool. Additional landscaping will be planted in front of the new retaining wall.

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

VIII OTHER BUSINESS

Agreements regarding retention of vegetation on sites was further discussed at this time. Mr. Wideman asked if the commission had the right to direct specific bushes to be part of the final landscape plan? Mr. Wheelock described the clipped hedge with columns of cypress trees, at 680 South County Road, as a design in itself. When the demolition was proposed, the architect could have said that the hedge had to be removed. Instead, he agreed to keep the hedge and his new plan should reflect that. Chairman Schuler thought that the applicant totally understood they have to come back with a plan before they start pulling landscaping out. Ms. Close added, that an applicant may request to vacate the previous order and offer an alternate plan.

Mr. Wheelock commented that Public Works Director Al Dusey, asked him to inspect a dog bar at the 400 South County Road park. He asked if he would be violating any rule by representing the commission as an individual? After discussion, it was agreed that Mr. Wheelock would be able to give Mr. Dusey his personal opinion, but not as a representative of the commission. Mr. Frank volunteered to look at the dog bar, as a member of the town staff, and bring it back to the commission as a design element.

IX ADJOURNMENT

**MOTION BY MR. WIDEMAN TO ADJOURN THE MEETING AT 11:48 P.M.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Architectural Review Commission will be held on Wednesday, February 26, 2003 at 9:00 a.m.

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 JHELOCK MORGAN DIX		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCOM
MAILING ADDRESS 280 BAHAMA LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY PALM BEACH	COUNTY FL.	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED JANUARY 22 2003		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

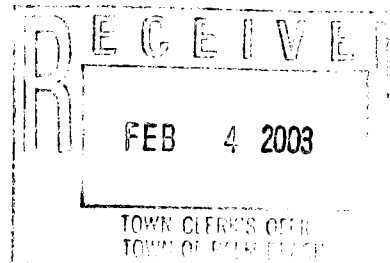
I, MORGAN WHEELER, hereby disclose that on January 22, 1903.

(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:

Project is that of my client, my office being the Landscape Architect for this application



Date Filed

Jan. 22 2003

Signature

M. Wheeler

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.

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MAILING ADDRESS 280 BAHAMA LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY PALM BEACH	COUNTY FL	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED JANUARY 22 2003		MY POSITION IS: ☐ ELECTIVE ☐ APPOINTIVE

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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:

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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.

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- 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.

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- ☐ 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.

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Signature

M Wheeler

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