

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, DECEMBER 16, 1998

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:00 a.m. by Jeffery W. Smith, Chairman.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Vice-Chairman
Arthur Silverman, Member
Elizabeth Shields, Member
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Nikita Zukov, Alternate Member
Ann Lilja, Alternate Member
Ann Blades, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Lindley Hoffman, Secretary (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

Chairman Smith welcomed Ann Blades to service as an Alternate Member of the Landmarks Preservation Commission.

III. Approval of the Minutes of the November 18, 1998 Meeting

MOTION BY MR. SILVERMAN FOR APPROVAL OF THE MINUTES AS MAILED.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

IV. Administration of the Oath to all persons who wish to testify: Mrs. Delp administered the oath to all those present who wished to testify today.

V. Public Hearings:

A. Application for Certificate of Appropriateness #31-98,
Demolition/New Construction of New Two Family Dwelling

Owner/Applicant: Casa Rosada

Address: 323 Brazilian Avenue

Architect: Smith & Moore Architects, Inc.

Project Description: Approval as follows:

1. Partial demolition and restoration of the existing embattlement wall
2. Demolition of an existing one story residence and garage
3. New construction of a two story, two family residence with pools, new driveways and landscaping
4. Other associated changes as presented

Please note that the Commission deferred this project for further study ("Keeping the L.P.C. comments in mind") to the September meeting, and the architect requested a further deferral to the October meeting.

At the October meeting, there was a motion to approve partial demolition of the building as proposed, along with a deferral of the remainder of the project, and with the understanding that the Town is held harmless in this matter.

At the November meeting, there was a motion to approve the project as presented, with the proviso that the garage door be lowered to 7', that the transoms above the french doors have a continuous line straight up instead of straight glazing, that the proportion of the window glazing for the three windows referred to on the front elevation be a little more square as shown on the side elevations, and that all wood windows are required; also that the paint color of the new structure should be brought back to the LPC with a paint chip, and that the applicant return to the LPC with the remainder of the minor refinements (except those listed earlier in the motion) at the December, 1998 meeting.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared today.

Architect Harold Smith returned to the LPC in response to last month's action. He explained that since last month they have revised the plans decreasing the height of the windows on the front facade, and have introduced a cast stone band at the sill elevation of those windows at both ends of the building wrapping around to the east facade. He stated that the garage door will be lowered to 7' although the plans shown did not reflect that change. The transoms of the french doors have been adjusted to align with the glass of the doors below. A new tile detail, matching the front landmarked wall tiles, has been introduced at the main door to the west unit. On the rear elevation, the french doors were aligned with the windows above. More decorative cast stone sills have been added in certain locations. The above summarized the changes made since last month.

Mr. Pandula commented that this design is a definite improvement from the plans as shown previously. He questioned what treatment has been decided upon to assist the separation of the two main entrances. Mr. Smith stated that there will be a heavily landscaped planter between the two doors. There was mention of adding stonework between the two doors. Mr. Smith stated that it could be added if the LPC so desired.

As for paint color, Mr. Smith stated they would like to use a light peach color on the building. However, at last month's meeting, the LPC stated a preference for a light beige color, and they maintained that position today. Mr. Smith offered to do several color samples on the facade before the color is finally determined. Mr. Smith stated that staff could make the determination as to whether the color is appropriate or whether the applicant needs to return to the LPC.

MOTION BY MR. PANDULA FOR APPROVAL OF THE PROJECT AS PRESENTED, WITH THE PROVISIO THAT THE COLOR OF THE WALL REMAIN PINK, AND THAT THE COLOR OF THE BUILDING WILL

BE LIGHT BEIGE, WITH THE PROVISIO THAT THE BUILDING COLOR IS VERIFIED BY STAFF FOR APPROPRIATENESS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #38-98.
Landscape Plan

Owner/Applicant: Mr. Jeffery Fisher

Address: 255 Clarke Avenue

Landscape Architect: Wheelock, Sanchez & Maddux

Project Description: Approval as follows:

1. Approval of Landscape/hardscape plan to include addition of new brick terrace, removal of the existing pool and relocation of new pool, and add several new fountains.
2. North Facade: Remove insensitive 1984 addition, tower element on northeast corner, removal of an addition of a room and roof terrace, and removal of spiral stair
3. South Facade: Remove closet addition and open original loggia
4. West Facade: Change flat roof to hip: door and window changes
5. East Facade: Remove portion of bar & install set of french doors & recess glass enclosure
6. Any other associated changes as presented

At the September meeting, there was a motion approving the architectural aspects of the project, excepting the exterior butt glazing system on the rear loggia which was deferred to the October meeting, with the comment that the applicant should either center the glass in the arches or re-study for possible interior mounting.

At the September meeting, there was also a motion for approval of the landscape/hardscape with the proviso that the pergola is proportioned as was presented. At the October meeting, there was a motion for deferral of the remaining items to the November meeting. Likewise, at the November meeting, there was a deferral to the December meeting.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Nick Roseland and Mr. Peter Davis of Clemens Bruns Schaub Architects returned to the LPC subsequent to the various deferrals of this project. The remaining item for discussion concerned the exterior butt glazing system on the rear loggia. They have placed the glass at the center of the columns, as requested, with the framework minimized. Today, two alternatives were presented...Glass Door "G"(their preference, with no vertical style) or Glass Door "H" (a second choice if budget constraints are encountered; has a vertical style). Both alternatives have bronze finish handles on the doors.

The LPC advised that the applicant should use mahogany as a door material, rather than cypress as shown, as the cypress will rot before the construction is completed. Also, Mr. Smith advised that the applicant will have a problem with the arched door and masonry. He explained that they will need to use a fixed transom for the door to open properly. He had no problem with either of the door alternatives presented today provided they choose the door which works best and insert a fixed transom.

Next, the applicant's representatives presented a change to the stair to the guest house above the garage. They explained that the existing stairs, built in the mid-60's, are hazardous and not of historical significance. They propose a new set of stairs which have wider treads to meet code, with an arched pass through under the stairs created for

better access to the guest house. The new stair goes back into the courtyard rather than the existing stairs which come out toward the property line.

Mr. Smith commented that the applicant will either have to retain the existing stairs or apply for a variance as the new stairs are too close to the property line (only 10'6"), when 15' is required. There was no further discussion relative to the stair change.

Lastly, they presented a change to the door at the side porch. At a previous meeting, it was approved to remove an existing closet and restore the area back to an original porch. Now, they want to remove the previously approved two doors which were not aligned with the arched openings, and install one arched french door centered in the center arch. The LPC did not like the style of the door selected, but approved of the centering of the door.

MOTION BY MR. PANDULA FOR APPROVAL OF THE BUTT GLAZING SYSTEM FOR THE LOGGIA AS PRESENTED TODAY, (KEEPING IN MIND THE SUGGESTIONS MADE BY THE LPC RELATIVE TO THE CHOICE OF CYPRESS AS A MATERIAL AND THE USE OF A TRANSOM); DEFERRAL OF THE STAIR ISSUE FOR FURTHER RESEARCH INTO THE ZONING ISSUES INVOLVED, AND APPROVAL OF THE CENTERED PAIR OF DOORS AT THE DINING ROOM WITH THE CONDITION THAT IT NOT BE AN ELLIPTICAL ARCH AS SHOWN.

**MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.**

Mr. Smith reminded the applicant that when they return, the drawings must be submitted to the Town in a timely fashion, not simply brought to the meeting. Let the record show that the sketches for the stair changes were not available in advance of the meeting, and did not receive zoning review. He also reminded them that the drawings are to be architectural drawings, not sketches, and should completely represent all of the changes to the project.

C. Application for Certificate of Appropriateness #47-98,
Fountain and garden

Owner/Applicant: Leta A. Foster

Address: 345 Pendleton Avenue

Architect: Wheelock, Sanchez & Maddux

Project Description: Request approval of rehabilitation of the front southern garden, including the addition of a fountain and formal french gravel garden, and other associated changes as presented

Please note that there was a motion at the November meeting for a deferral to the December meeting to allow for a complete presentation.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS.: Mrs. Albarran de Mendoza, Mr. Pandula, Mr. Smith, and Ms. Shields spoke to Mr. Sanchez by phone.

Mr. Phil Maddux of Sanchez & Maddux stated that the proposed fountain and gravel pathways will not be seen from the road due to vegetation. He passed off photo of the site taken from the road and neighboring properties to illustrate this. Basically, nothing had changed from the presentation given last month.

Mr. Smith stated that this home is being reviewed by the LPC as part of the Pendleton Avenue Historic District which has been proposed and is presently "under consideration" for landmarking. The LPC, last month, had asked the applicant to consider shortening the length of the fountain. The applicant, however, did not want to effect that

change to the plans. The length could really only be observed from a bird's eye view. Ms. Lilja commented that most reflecting ponds do not have walkways running through them, or dissecting the water element. Mrs. Albarran de Mendoza stated she would rather see the fountain symmetrical with the house, but would accept it as presented also. Mr. Smith had no objection to the proposal. Mr. Pandula was disappointed that the plan had not changed since last month in light of the comments which had been made at that time, however, he recognized that this feature is removable. Mr. Maddux commented that it is more appropriate to retain the length of the reflecting pond.

The reflecting pond will have a pebble tec black pearl finish. There will be brick coping around the pond, and chatahoochee gravel will serve as a paving material.

MOTION BY MR. PANDULA TO APPROVE THE PROJECT AS PRESENTED, WITH THE CONTINGENCY THAT THE APPLICANT RETURNS WITH THE PLANTING PLANS, AND TO DO A DOUBLE CHECK ON THE GREEN SPACE IN THE FRONT YARD.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness #49-98,
 Garage conversion, new garage, miscellaneous changes
 Owner/Applicant: Ronald S. Kochman, Trustee
 Address: 232 Phipps Plaza
 Architect: SKA Architect & Planner, Inc.
 Project Description: Request approval of the following:
1. Convert existing garage space to family room
 2. Addition of 2 car garage structure with detail to match existing - north elevation
 3. Relocate existing casement window to proposed garage structure
 4. New french doors to replace existing windows
 5. West elevation - relocate existing garage door to proposed structure
 6. South elevation - relocate existing walk-in door to new structure
 7. Remove existing concrete patio to be replaced by pool and landscape
 8. Relocate existing fountain to west end of pool
 9. Other associated changes as presented

Mrs. Albarran de Mendoza declared a Conflict of Interest with respect to this project as she is the architect of record and made the presentation.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mrs. Albarran de Mendoza stated that this project had gone before the Town Council. The applicant had asked for a 4.5 ft setback, and the Town Council asked the applicant to bring the structure back another 5 feet, so the applicant actually was approved for a 9.5 feet setback. The variance had been requested because of interior space which had been converted to a garage in the past. The variance approval permitted extending the existing structure by 12 feet providing more interior space and a new two car garage. The Town Council had also approved a variance for the new pool. Mrs. Albarran de Mendoza noted that a pool had been approved years ago by the Landmarks Preservation Commission., but was not built at that time. She reviewed the elevation changes due to the building extension.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.*

*Mrs. Albarran de Mendoza stated later in the meeting, for the record, that her client is interested in pursuing the tax abatement relative to the reviewed and approved changes

○ E. Application for Certificate of Appropriateness #50-98.
Additions and associated changes

Owner/Applicant: Mr. and Mrs. David Koch

Address: 150 South Ocean Boulevard (incorporating 140 S. Ocean Blvd.)

Architect: Smith Architectural Group

Project Description: Request approval of the following

1. New entry loggia and motorcourt
2. New one story breakfast room addition
3. Guest room extension
4. New two-story infill addition
5. Second floor addition at east facade and west facade
6. Enclosure of existing pool loggia
7. Miscellaneous fenestration changes
8. Other associated changes as presented

Mr. Smith declared a Conflict of Interest with respect to this project, as he is the architect of record.

Please note that a court reporter, Loretta Pichey, was present to transcribe this hearing. Ms. Pichey was present at the request of Attorney Jim Paine, who was representing a neighbor, David Kosoy.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

○ Ms. Lilja, Mr. Zukov, Mr. Silverman, Mrs. Wilkey, Mr. Pandula, and Mrs. Albarran de Mendoza individually declared that they had met with Don Kino of Smith Architectural Group at the Smith Architectural Group office.

○ For the record, this applicant purchased 150 South Ocean Boulevard, and then purchased 140 South Ocean Boulevard. The 140 South Ocean Boulevard property had a house upon it which was demolished, and the two properties will be joined as one by the Kochs.

Mr. Robert Deziel, Attorney for the applicant, stated that at last month's meeting, this project came before the LPC on an informal basis only. All of the areas to be reviewed today were mentioned last month with the exception of the second story infill addition on the southeast corner of the property. That particular area was the subject of a variance, and as such, could not be presented to the LPC at that time. Since then, the Town Council approved the subject variance, despite objections from the neighbors. He pointed out that the neighbors are represented here today. As he thought the neighbors had no objection to what was reviewed informally last month, Mr. Deziel asked that those portions of the project be reviewed first today, and asked Mr. Paine for approval to proceed as such.

Mr. Paine identified himself for the record as an attorney and architect representing the Kosoy. He was present in conjunction with another attorney, Tony Natale. He did not mind "breaking up the presentation" of the project as was suggested by Mr. Deziel. He commented, however, that his client not only objected to the second floor infill addition, but also the servants' quarters addition, and the cumulative affect of the changes proposed.

Mr. Pandula agreed to hear a presentation regarding what was reviewed informally last month first. Mrs. Delp administered the oath to any persons who were not previously sworn. Mr. Don Kino, Vice President of Smith Architectural Group, continued with the presentation using architectural drawings and a model of the property.

○ #1 New entry loggia and motorcourt: Mr. Kino passed an aerial photo of a similar structure in Town. This loggia and motorcourt will occur on the north side of the property and will serve as a covered entry to the foyer. It will

be a one story element and will be open, except at either end. Wrought iron gates will line the east side. No landscape or hardscape will be discussed today. Mrs. Wilkey had expressed concern over the sawtooth surround at the front door. Mr. Kino presented an alternative surround matching the surrounds on the east facade. It had also been mentioned last month that the new entry loggia appeared to be "tacked on." To alleviate that, the roof of the loggia has been extended at the same height all the way up to the adjoining building, instead of hiping down. Instead of the previously planned closed niches where the entry loggia butts up to the building (interior closet area), small windows will be inserted instead on both sides.

MOTION BY MRS. ALBARRAN DE MENDOZA TO APPROVE THE NEW ENTRY LOGGIA AND MOTORCOURT, WITH THE PROVISIO THAT THE TWO NICHEs BE CHANGED TO TWO SMALL WINDOWS ON THE FACADE WHERE THE CLOSETS OCCUR INTERIORLY; AND APPROVAL OF THE SECOND ALTERNATIVE FOR THE FRONT DOOR WITH SURROUND MATCHING THOSE ON THE EAST FACADE.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

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At this point Mr. Kino stated, for the record, that this applicant plans to pursue tax abatement for any of the appropriate changes included with this project. Mrs. Day, Staff Preservation Consultant for the Town, stated that as such the project should be reviewed with the Secretary of the Interior's Standards in mind. Mrs. Day stated that she would advise, during the presentation, if any of the changes discussed would be objectionable with regard to the Secretary of the Interior's Standards.

#3 Guest room extension: The elevation at the guest room extension is simply being pushed out approximately 5' to 6' to the west.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE GUEST ROOM EXTENSION AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

#2 New one story breakfast room addition: Now there is an existing courtyard off the southwest corner of the structure which is very nice with a fountain, hardscape and landscape. It is, however, used very little. The proposal is to add a breakfast room with a french door and two windows on either side to center on the existing fountain. This addition represents an infill on the first floor. Windows, doors, and roof details will match existing details on the house.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE NEW ONE STORY BREAKFAST ROOM ADDITION AS PRESENTED.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

#4 New two story infill addition: This addition is requested to improve the flow of service personnel through the house. (Previously, service personnel had to go inside and outside several times to get to the desired area of the home.) Mr. Deziel noted that the service drive had originally been planned to come off South Ocean Boulevard. (Main ingress/egress will be achieved via Barton Avenue, per Town Council stipulations.) Due to objection from

the neighbor, this plan was abandoned and now service access will be achieved via the alley running between Barton and Clarke Avenues. The setback for the addition would normally be 10', but the proposal shows a setback of 15'. (This is an addition to the rear yard, with a side yard setback.) It was noted that the service areas of this property face the service areas of the neighbor's house, and the service areas of both homes are set back by at least 15'. Currently, there is sparse landscaping on both sides of the property wall separating the two properties. The applicant is agreeable to more heavily landscape his property's side of the wall.

Mr. Deziel noted a change to the plans relative to the south elevation of this addition. Originally, four single doors were planned for the facade. The change moves two of those doors to a perpendicular facade, leaving just two on the south elevation, as far away from the property line as possible. A window will be added at the garage.

This infill addition, as a whole, consists mainly of windows, no french doors, and only serves as a service area. Details will match the existing structure. On the first floor, there will be a security office, pantry, and staff dining. The function of the second floor of the infill addition is a stairway, small office and area for staff to have beverages.

Architect Jim Paine presented the concerns of the neighbors, the Kosoys. He explained that the part of the Kosoys home across the property wall from the Koch's proposed infill addition is not purely a staff area. There is a gymnasium on the second floor, and a loggia/breakfast courtyard on the first floor. The Kosoys have a problem with the second story portion of the Koch's infill addition as it would provide views into their gymnasium area, and it blocks their view to the Breakers. The addition, as a whole, would "be oppressive" in its proposed configuration and would block light to the Kosoy home. Mr. Paine questioned whether there could be a compromise relative to the possible deletion of the second floor portion of the infill. He also commented that the Kochs purchased an additional lot, and thereby acquired a lot of space. He questioned why the bulk of the additions for the Koch property are positioned so close to the Kosoy property. The Kosoys feel that is unfair and unnecessary.

Mr. Kino stated that it is not possible for this addition to only be a one story element. Mr. Deziel commented that this neighbor's lot is much smaller and he has a "lot of house" on it, with a cubic content ratio of over 5. On the Koch house, the square footage is 20,000, the Cubic Content is about 3.2, and the lot coverage is 16%, all modest numbers. Mr. Deziel did not feel that the lack of a view to the Breakers was a justifiable objection.

Mr. Pandula commented that the applicant is conforming to setback requirements, and did not place a high function area next to the neighbor's property. It is just a service area. Ms. Lilja commented that the LPC is just to look at the architecture. Mr. Randolph read the criteria for review of a Certificate of Appropriateness as it appears in Section 16-41 of the Landmarks Ordinance. Mr. Zukov suggested that perhaps the Kosoys would like the addition better if the architecture did not appear as the back of a building, perhaps inserting a glazed arcade. Mr. Kino reminded the LPC that this is still a staff area. Mr. Deziel stated that the applicant would like to obtain approval for the addition as proposed, and after that approval, they would be happy to work with the Kosoys to arrive at a perhaps better architectural solution with embellishments. The applicant is not willing, however, to negotiate relative to the fact that the addition has two stories. Mr. Pandula commented that it may be better to leave the design as is for privacy rather than open it up. Mr. Frank commented that the LPC's job is to review the architecture. He asked the LPC to remember that the Town's Codes were effected to provide and protect light, air, and view. The Koch property, as it has been stated, clearly meets the code. He cautioned the LPC not to be in a position of attempt to extend or expand the code. Mr. Randolph asked the LPC to concentrate on how these alterations affect the landmark property. Mr. Pandula asked Mr. Paine whether his client would prefer to look at a more windowed facade or would prefer the presentation as is. Mr. Paine would have to confer with his client, and asked the LPC to refer to Section 16-41 of the LPC Ordinance, with respect to the rhythm of solids and voids when deciding this matter.

MOTION BY MR. ZUKOV TO DEFER THE MATTER TILL THE APPLICANT CAN MEET WITH THE NEIGHBORS REGARDING THE ARCHITECTURE OF THE ADDITION.

Mr. Deziel quickly stated that his client is not interested in a deferral today. He asked for an approval of what was presented today, and then they will be happy to meet with the Kosoy's.

MOTION DIED FOR LACK OF A SECOND.

MOTION BY MS. LILJA FOR APPROVAL OF THE TWO STORY INFILL ADDITION AS PRESENTED, WITH THE QUALIFICATION THAT THE TWO DOORS BE TURNED TO THE INSIDE SO THERE ARE ONLY TWO DOORS ON THAT SOUTH FACADE, AND THAT SHOULD ANY CHANGES IN FENESTRATION BE RECOMMENDED IN FUTURE DISCUSSION BETWEEN THE NEIGHBORS, THAT IT BE RETURNED TO THE LPC FOR APPROVAL.

MOTION SECONDED BY MR. ZUKOV.

Mrs. Day reminded the LPC that two or three months ago, when 323 Brazilian Avenue was before the LPC for review, the applicant was asked to do a comparison of mass and volume with respect to the other properties on the street. That project, however, was for a new duplex, not a small infill addition. She felt the infill addition should be downplayed, not augmented. She suggested that the neighbor's view be made better with landscaping.

ROLL CALL VOTE:	MS. LILJA:	YES
	MR. ZUKOV:	YES
	MS. SHIELDS	NO
	MR. SILVERMAN:	YES
	MRS. WILKEY:	YES
	MRS. ALBARRAN DE MENDOZA	YES
	MR. PANDULA	YES

MOTION CARRIED 6-1-0.

#6. Enclosure of existing pool loggia: To be enclosed with three french doors to match french doors on the house.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MS. LILJA.

MOTION CARRIED UNANIMOUSLY.

#7. Miscellaneous fenestration changes: In the rear, new windows will be added on the second floor and three french doors with a protruding surround and frontispiece that would match the east facade will be added on the first floor. This protrusion will be aligned with the pool.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DESCRIBED FENESTRATION CHANGE WITH THE PROVISIO THAT THE TWO WINDOWS ARE MOVED OVER SLIGHTLY AS WAS DISCUSSED.

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

Also there are five existing french doors in a plane 7-8' behind cast stone columns. The proposal would move the french doors out to the columns for an enclosure of the space.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

There was a brief recess of the meeting, 11:15 a.m. to 11:20 a.m., after which the meeting was re-convened.

#5. Second floor addition at east facade and west facade: It was noted that this addition had received variance approval from the Town Council to allow a beam height of 29' instead of the 22' allowed in the R-B zoning district, and to allow a roof height of 33' instead of the 30' permitted. At this particular part of the house, the house is set back 74' from the neighbor. Mr. Kino stated that the variance was needed for the addition so that the eave heights would match. On the first floor below the addition there is a ballroom with a 16' ceiling height, and a concrete roof over it forming the terrace. There is existing balustrade around the edge of the roof top terrace. That balustrade will remain even after the addition is constructed as the facade of the addition will be pushed back. Details on the addition will match the existing structure. Mr. Deziel added that the variance was approved with the idea that the mass of the addition would be relieved by constructing some arches on the facade of the second story addition.

The neighbors, at the Town Council meeting, had made some comments that their views would be obstructed by this addition. At the point of approval, then, there was a condition that there is an angle of vision which must be maintained, approximately 30 degrees, such that the landscaping and any improvements constructed on this property would not obstruct the views from the second floor of the neighbor's property, views to the northeast or the ocean within that angle. The proposed addition is outside the angle. This condition was made for any other new structures or landscaping which may be contemplated in the future.

Mr. Paine began to ask questions of Mr. Kino. He asked whether it would not be possible to construct this addition, serving as a master bedroom suite, on the newly acquired lot to the north, rather than by doing an infill addition. Mr. Deziel commented that constructing the addition on the north lot was not practical and not suitable to the flow of the floor plan.

Mr. Paine pointed to criterion #2 of Section 16-41 of the Town's Landmark Ordinance, regarding preserving the rhythm of the masses of a structure. It was his contention that the rooftop deck provides a break in an otherwise flat and symmetrical facade. It represents a rhythm in a building mass. He again stated that the addition should be placed elsewhere, not on top of this unique ballroom/rooftop deck area. Both he and co-counselor, Tony Natale, asked Mr. Kino directly whether the Smith Architectural Group could place the addition elsewhere on the property. Mr. Kino answered that it was not possible to place the master bedroom addition anywhere else in consideration of the floor plan, and the family's needs. Mr. Paine and Mr. Natale stated that the Kosoy's object to the mass of the addition being placed close to their bedroom areas.

Mr. Paine distributed a packet of information, including the Designation Report and Master Site File for this property, which will be kept on file. He maintained that the rooftop deck should be retained as it currently exists, without any second floor addition. The house was landmarked for specific reasons, and this deck was one of the features which was landmarked. The addition, as proposed, creates a symmetrical block which is uncharacteristic of the Mediterranean Revival style, in their opinion. He pointed out that the proposed addition would be built on top of the Joseph Urban section of the building, and Joseph Urban was the architect for Mar-a-lago and the Paramount Theatre. The addition could be built elsewhere, (suggested above the new entry loggia) giving the Kochs the extra space without altering the existing landmark.

(Let the record show that Mrs. Blades left the meeting at 12:10 p.m.)

(Let the record show that Mr. Natale excused himself at 12:13 p.m., leaving Mr. Paine as Attorney/Architect.

Previously, Mr. Paine functioned as the architect while Mr. Natale provided legal counsel.)

Ms. Jane Day testified that although Mr. Paine and Mr. Natale submitted the Florida Master Site File form as

evidence, so to speak, Master Site File forms have no legal clout. They can only be used to describe and inventory structures. She believed that a suitable compromise, which protects the landmark and meets the Secretary of the Interior's Standards (SIS), had been achieved in the Smith Architectural Group proposal in pushing back the second story facade and retaining the rooftop balustrade to echo an existing design element. Her only suggestion for possible improvement might be a multi-level roof line to further emphasize the asymmetry of the facade. In looking at the SIS standards, you look to see what additions do to the interior spaces, for eventual and possible National Register designation. The National Register deems it important to keep the flow within the house similar to the way it was.

Mr. Pandula commented that it does not work to place the master bedroom addition on top of the new entry loggia. He suggested that an 8' setback has been created at the second floor level, and perhaps a trellis could be placed there to echo the old trellis that was there and break up the symmetry. He advocated retaining the ground floor balustrade on the ground floor level.

Mr. Deziel stated that there has been no decision to remove the ground floor balustrade, and it will be further addressed when the landscape/hardscape issues are heard in the future. In response to Mr. Paine's comments, Mr. Deziel stated that he did not believe that Mr. Paine had the capacity to make an opinion on the proposed design as he does not have the experience in dealing with these kinds of structures, or in sitting in review of them as the Commissioners do, and Mr. Paine should not attempt to tell this owner how he should move his house around or where to build an addition.

Ms. Lilja commented, regarding the proposed design, in approval of the setback second floor facade. She was not in favor, however, of the trellis work as was suggested by Mr. Pandula. Lastly, she felt that if Mizner were to return, he would be delighted with the proposed design of this home. Mrs. Albarran de Mendoza commented that even with the additions, the house retains its asymmetrical design.

Mr. Deziel added that Dr. Donald Curl, noted Mizner expert, stated at the Town Council meeting that it was extremely important that the roof lines match in any new proposal for this site.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE SECOND FLOOR MASTER BEDROOM ADDITION AS PRESENTED, WITH THE ADDITION OF A TRANSOM TO THE SOUTH DOOR AT THE SECOND LEVEL.

MOTION SECONDED BY MS. LILJA.

MOTION AMENDED BY MAKER AND SECONDER THAT THE ABOVE APPROVAL WAS MADE IN COMPLIANCE WITH THE TERMS OF THE LANDMARKS PRESERVATION COMMISSION ORDINANCE, SECTION 16-41 AS PREVIOUSLY READ.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #51-98.
Modifications to storefront

Owner/Applicant: E.W. Cook Trustee and Chalet Restaurants, Inc.

Address: 205 Royal Palm Way

Architect: The Lawrence Group Architects

Project Description: Request approval of the following:

1. Remove existing storefront at Lewis Pharmacy and install new storefront to match existing at Chase Manhattan.
2. Remove Lewis Pharmacy's sign

3. Install planters and hedges on sidewalk at new storefront to match existing planters at Chase Manhattan
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mr. Richard Leja of the Lawrence Group Architects stated that the bank is expanding their facilities to take over the old Lewis Pharmacy space. The existing Lewis Pharmacy storefront will be changed to match the bank's storefront. Removable planters will be placed in front of the storefront due to sidewalk clearance required. Mr. Smith and Mrs. Albarran de Mendoza stated that they would be interested in seeing the same type of planters installed at the former Lewis Pharmacy facade as are found to the south on the bank facade.

Mr. Leja stated that they will actually be re-painting the building to an off-white color. This changes it from the existing peach color.

MOTION BY MR. PANDULA FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

VII. Other Business:

A. Discussion relative to 205 Royal Palm Way project, Chase Manhattan Bank

While the representatives from the Lawrence Group were still present, the agenda was altered to allow for this discussion. Mr. Tim Frank explained that part of the approval of the bank renovation was to retain the hedge along the north property line. When the contractor came to the site, the hedge was removed. In response to neighbor's complaints, Mr. Frank red-tagged the job until the hedge was replaced. The hedge is now present in temporary pots. There are additional problems, however. The Town Council approval included a wall at the north property line, but due to the small size of the area in question, the wall and the hedge cannot exist together without parking being sacrificed.

Mr. Lawrence stated that it was a mistake to take the hedge down. The problem is that the Town Council mandated that the parking be maintained and the wall be built. Public Works mandates that you cannot plant in an easement, and the LPC mandated that the hedge be retained. Mr. Lawrence suggested, then, that the wall be planted with a vine and four black olives or ficus benjamina with 6' of clear trunk will be planted between the first few parking spaces. This solution adds the landscape material and retains all of the parking.

Mr. De Sousa of 238 Phipps Plaza addressed the LPC asking that the hedge be stopped before his property line as he does not want it to interfere with his bougainvillea. Mr. Smith returned this matter to staff to have staff work with the neighbors and Mr. Lawrence for a suitable solution. The LPC was not in favor of black olives as the plant material of choice, for the record..

VI. Designation Hearings:

Please note that the following Designation Hearings are transcribed partially verbatim and partially in paraphrase. Verbatim portions are noted with the speaker's name at the left margin.

Item 1: 173 Root Trail

Owner: T. J. Palm Property Inc. c/o T. J. Fisher

Please note this item was deferred from the November 1998 meeting.

MOTION BY MR. SILVERMAN THAT LANDMARKING CONSIDERATION OF 173 ROOT TRAIL BE DEFERRED TO THE JANUARY MEETING, ACKNOWLEDGING THAT THE OWNER WAIVED HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

Item 2: 726 Hi-Mount Road

Owner: James Wood c/o Peter Brooker, Great Atlantic & Pacific Tea

Mr. Frank verified that proof of publication and proper legal service were achieved with regard to this matter. All parties wishing to testify were previously sworn. Mr. Frank testified that this property meets the following criteria for designation as a landmark:

- (c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship
- (d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Let the record show that Mrs. Wilkey left the meeting at this point, 12:47 p.m.)

MRS. JANE DAY, STAFF PRESERVATION CONSULTANT: Mr. Chairman and members of the Commission, I think that this morning we have all kinds of philosophical questions to do with landmarking. I think that now is the time to let you know that we have owner objection to this landmarking, and I've been in touch with the attorney for this property, Mr. Robert Deziel, and we're sharing visuals because we agree on a lot of the basic facts about the property. We just disagree on the interpretation of them. As far as staff is concerned, 726 Hi-Mount Road is a frame vernacular structure that was designed by Maurice Fatio in 1938. It is designed in the Colonial Revival style with a lot of Federal and Adams details. This was a change from the Mediterranean Revival style projects that Fatio did in the 1920's, and in fact, this is a good example of the style. The other thing that's interesting about this particular property is it's all wood frame. I haven't seen a lot of these in the Town of Palm Beach, but Fatio's use of the material is interesting in and of itself. Mr. Frank and I have been in the property and around the back side of it. I didn't have any slides of that. This is digital photography that we took the other day of some of the design details and as you can see, it has the Federal window. There are two of those that are original on the property, and the gable roof. The windows, themselves, are either six over six double hung sash or six over nine double hung sash. To the north side of the property there is a garage wing with staff quarters above, and the color xerox that Mr. Deziel brought this morning helps me show you what's been done to the house. I still contend that the house has its architectural integrity despite the fact that there have been some additions to the property. In 1956, a raised pool deck was added to the back yard, which you can see on that color xerox that I've handed you, and in 1974, a boat dock was added on Lake Worth to the property. Major alterations to the structure, however, occurred in 1987 when Charles Harrison Pawley worked on the property, and in 1988, when Michael Burrows added the addition that you see on the color xerox that you have before you. What Mr. Burrows did was...he took the original bay windows and arched entries in the rear of the building, which you can see on Fatio's original plan, and he added sliding glass doors and he pulled the west facade out toward Lake Worth to create more space, and in fact, that center section is a family room space. He altered the property. There is no question about that. It's my contention that that alteration, however, is not much more significant than what Joseph Urban did to the Mizner house you just saw, and in fact, this property still retains its architectural integrity and meets criterion (c) and (d) of our ordinance. I think it's a good

example of the Federal Revival style, and I think that it's a good example of the work of Maurice Fatio. The other major change that I'd like to point out to you is on the front facade of the house with the entryway that you see on this. The paired Tuscan columns and the flat roofed entry is not original. The original was much simpler. There were windows on either side of it and again that's on the original plans by Maurice Fatio. But it's up to you as commissioners to look at the hard evidence and make your interpretation and ask me questions as to whether or not you think this house is worthy of landmark designation for the town. I believe it is, and that it fulfills criterion (c) and (d), and I think that Mr. Deziel would like to have a few words.

MOTION BY MS. SHIELDS TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

Mr. Smith and Mr. Pandula declared exparte communication. Mr. Smith met with Mr. Deziel. Mr. Pandula spoke with Mr. Deziel.

ATTORNEY ROBERT DEZIEL: For the record, my name is Robert Deziel and I represent the applicant, Mr. James Wood, who is the owner of this property that is before you today. And before I get started with my presentation, I feel that it's important to point out to you that I have never come before this commission to fight a landmarking, and for lack of a better phrase, it's not my style, and it's not what I believe in in this Town. I'm very much in favor of landmarks, and in fact, it was a few years ago that I voluntarily landmarked my own home that I think is a good example of the kinds of things that I'm interested in happening as a resident in this Town. However, I find myself in a somewhat awkward position, but after I did some research and some due diligence, and looked into this case, I told the owner that I would accept it to help him out only because I was convinced with my research that I think it's a clear decision that this home should not be designated a Town of Palm Beach landmark. Now, let me start off my presentation with the following. I think that Maurice Fatio, in 1938, designed a landmark home, and that landmark home was built, but through subsequent modifications, I think we're dealing with a structure that's totally different from the interior and exterior that Mr. Fatio had in mind for this property. The first thing I'd like to draw your attention to are some old pictures that I obtained from Alex Taylor, Mr. Fatio's daughter, who was so kind to share her records with me so that I could bring to you an accurate picture of how this house used to look. The four pictures that you have before you...I believe one of them is the old entry porchway, and two of them are from the rear, and I believe the last one is an interior shot of an old loggia that existed on the property. Now, before I go any further, I want to point out that it's my understanding that this project came before you because one of the commission members recommended that it be a landmark, and I think that the home does have some tasteful aspects to it, and I certainly think that this is the kind of home that should come before you for consideration as a landmark, but I think that it's this process that allows somebody to do some research and due diligence and find out exactly what you're dealing with. The first thing I'd like to do is...I've handed out the pictures...is go over the floor plan just to show you how this house has drastically changed from when it was originally built to what it is today. And I realize that for the most part you're concerned with exterior elevations, but I think that what happened inside mirrors what happened on the outside. It was just totally destroyed. I've handed out a floor plan, the top drawing, of how the house existed when it was originally constructed. It had a very Classical layout of walking into an entry foyer and from there, you went into an old Classical stair hall with an open air loggia beyond. On either side of that loggia was, I also think Classical layout, was the living room on the left, the dining room on the right, and further to the left next to the living room was a small little guest room. I'd like to point out that in connection with that entry area, you can see it in the plan and you can also see it in the pictures I handed out... there are two significant octagonal windows that were deleted by the developer in 1987 when he did his renovation. I think those changes were made to accommodate either a bathroom and a closet on either side...two bathrooms. Let me point out some of the old features that I thought existed that made this house a landmark when it was originally constructed. It had a delicate crescent driveway. It had wonderful proportion between building size, location and landscaping. Both of those are evidenced by the pictures I handed out when you can see the rear yard. And then thirdly, it had that

rolling grade to the rear yard, where you had the pair of stairs that stepped down to the natural grade and they were in symmetry, and then you could see the wonderful garden areas. With respect to the floor plan, I've already commented on the Classical center entranceway with the central stair hall, and the fact that the living room and dining room were in Classical locations. Centered on the house and flanked by these rooms was the open air loggia that I previously referred to. With respect to the exterior elevations, I'd like to point out that I think that the porch...and this was also a comment made by Alex Taylor...the porch, as originally designed, had a delicate and proportionate feel to it. The porch, as originally designed, had two round columns. When the developer re-did that porch, he put two columns on either side, and now I'll start with my slides, Jane, please. This is the first slide I want to show you, and before we go any further, I'd like to point out the fact that to me, that elevation right there with that porch is totally out of scale with that front elevation. You can see how that picture has a porch that's almost as wide as that central area...that's me standing in front of the house... and I think that there's no comparison between that picture you're seeing there and the one in the upper left hand corner here that Alex Taylor provided that had a delicate and in proportion front entry area. I've mentioned the octagonal feature windows that were deleted, and the charming sidelites that previously existed and have been altered. I'd like to point out in Ms. Day's report...I think it was a quote, and I'm either quoting or paraphrasingthat one of the most important features of the home is the front porch and door area, and I point out that with respect to the front elevation, that eastern facade, it's been dramatically altered, albeit, I'll acknowledge it is a charming look to it, but not nearly what Maurice Fatio had in mind when he originally designed this. Jane, if you would please go to slide #2...I've got this slide to also highlight the fact that it's very faint, but on the right hand side of the picture, you can see the double engaged columns that exist on either side of the front door. Those weren't part of the original plan. I'm not trying to say that landmark structures don't change, but I am trying to point out that with respect to this element, I think it was nothing more than a developer that "gussied up" a front entranceway with elements that aren't needed, and on this facade, this is probably the most attractive area still today, even with all the modifications. Jane, if you would please go to the next slide. O.K. I've taken this picture to give you a look at the aluminum railing and the fact that on the first floor right hand side you can see that blank white wall...I wanted to highlight the fact that the octagonal windows have been deleted, which you can so clearly see in the picture that I've shown you. The next slide, please. This is just another view of the same front entranceway. I'd like to highlight...see on the second floor where the area protrudes and you think that there should be a window there and the window's been deleted...that once again was an act of the developer in 1987-1988 to accommodate some I believe it was closet space on the second floor area. Next slide, please Jane. O.K. That was just a closer look at that same area. O.K. This picture...it's tough with the shade, and I apologize, but I wanted to highlight the fact that the front driveway area has been altered. I gave you a picture of the gates that are out in front of this property. I mean, to me, they are gates akin to something you'd see in Boca Raton that have behind them a grey paverstone solid driveway area that has replaced...and this is the picture I want to draw your attention to...this charming pea gravel, delicate little driveway that you could just see somebody driving up to. Next picture, please Jane. Alright, so far I don't think I've given you a lot of my ammunition in the comments I have because I had to work with the worst facade in terms of my case, and that was the front facade. But where I think all the action occurs is on the west facade. Now, I'm going to defer to you and your opinions because you're here every day, but to me, this is gross. I just want you to compare, and you have a little picture of it, but I'd like all of you just to take a visual of this western facade that previously existed with those beautiful little bay windows that looked out over the lake and in the center, here, I'm going to draw your attention to it. This is the area where the outdoor loggia area existed, and I've got a picture of it here. And I'll acknowledge to you ...that's a landmark home right there and those are landmark rooms...I mean look at this picture right here in the lower left hand corner...you can see the bay window, the arched screened openings, and those have been replaced with this. And Jane, all the years I've known you, I've never heard you say such an astonishing comment when you compare Joseph Urban to Charles Harrison Pawley. Next slide please...O.K. I wanted to give you a close up, and here's what's happening, and you can see it in the floor plans I've given you...what happened when the developer got a hold of this property in 1987, he punched the rear facade out between 24 and 28 feet so he could give these grandiose...I think galleries were in vogue in the 80's, and he added a gallery and he added a living room where people could look out over the lake. I'm trying to highlight the area right there where you can see the three awnings. That view right

there....that view right there has been replaced with that. Now, it's not in the same vertical plane...it's been punched back 24 to 28', but that's what Mr. Pawley has given us to remember Mr. Fatio's picture back then. I don't think I have to tell you those are aluminum sliders. Next picture, please Jane. Alright. Once again, those are more aluminum sliders with an aluminum railing with a big deck above...it's probably even got pressure treated wood...that is replacing the...down below the sliders are replacing the bay window and he just covered up the old windows that I'll acknowledge were beautiful at the time this was constructed. Next one, Jane please. That's another area. That's not the same picture of the one you just saw. It's the other side of the house. It's a duplicate. I'm sure that Mr. Burrows wanted to make sure he had symmetry with his sliding glass doors and his aluminum railings, and you can see he accomplished his task here. Next slide please. Now if you look at your little floor plan that I gave you, the first floor area....it's dark, and I apologize, but those are sliding glass doors there that exit on the west side of the kitchen. It is immediately adjacent to the bay window that is over here, and I also wanted to point out...you can see there is one old window to the right that is very faint. I think on that elevation, you've got that window and I'm going to show you one other window that has remained. Next one, please Jane. O.K., not only did he...O.K., on the right hand side there are more sliders. Those sliders are in the exact same area as where that bay window is, and I keep referring to it. I think all of you know there is a pair of them. And then on the left there, he even had the ingenuity to add sliders where there wasn't even a door opening there. So, not only did he replace all the existing fenestration with sliding glass doors, he found new areas to add them. That's the same picture we just saw without the windows on the left. Alright, now you probably think I went to Disneyworld to take this shot. That's the pool pavilion that was built in 1957. That look right there replaces that look right there. Jane Day previously handed out a picture, that color picture that I had assembled, and that gives you a clear bird's eye look at this house and what this...it almost looks like a capsule kind of structure.

MR. SMITH: Excuse me, the aerial that we have here....so which is newer, is it that?

MR. DEZIEL: That's a new picture. I'm sorry. That top part's been added. The only difference in the pic...this aerial that you have is dated. I didn't take this in the last week. The only difference is that tent. You can see that that's a canvas material up top. It's an awning. That's the difference.

MRS. DAY: That tent was not there when I visited.

MR. DEZIEL: And then the next one, Jane. It's just a closer look at the pool structure, and how that's been built to destroy this hole situation. I'd like to conclude my presentation, I'll answer any questions you have...the first thing I did when I...before I even decided to take this case, I met with Alex Taylor, and I wanted to get her opinion on the house. And she told me that she was well aware of the home, and she told me it's a tragedy what's happened, and in her opinion, I know I'm passing it along, but she thought it would be a shame if this house became a landmark. And the reason is, and I would say the same thing...I think if Maurice Fatio came back, and someone took him to this house, and they said Mr. Fatio, we've instituted this landmark procedure so that we could save all of your old architecture, but we wanted to show you this one first. Forget about it...if they said we only saved one of yours, if they saved ten of them, and this was the first one he looked at, I mean I think the guy would throw up. If he were on the lake side and he looked at this elevation, it would be disgusting. Here is my final plea with you. I think it would be in...it just wouldn't be a fair burden to give the current owner of this property or a future owner of this property this structure to have to deal with going forward. And I'll tell you, I think it's a shame that this house wasn't landmarked in the 1980's or 70's before Mr. Burrows got a hold of it, but we have to deal with the facts and circumstances that we have before us today. I would propose, and Jane, I'd really be interested in your opinion, I think the western facade has been modified to the tune of about 95 - 99%. I think the only thing exists is that one window I showed you and then the little round one that exists in the pediment way back. Is that in the range of something that you'd agree to ?

MRS. DAY: Yes.

MR. DEZIEL: So the western facade isn't even close. And I showed you the front entry. One thing I failed to point out is, you know, Mr. Burrows had the foresight to change all the old wooden shutters with metal aluminum ones, and I think we're talking about changing materials that aren't befitting of this landmark structure.

MRS. DAY: Well, I'd like to make a comment. First of all, Robert and I talked before this at our meeting on Monday and again this morning, and one thing that I think is fair that we came up with is that we agree on the facts. We agree when the building was altered. We agree what was done to it was abominable for the original design of the building. We come at the landmarking process from different philosophical points of view, and Mr. Zukov, you made the point. If the owner was standing here and saying please landmark my house, and we have other landmarked owners doing that, we would say yes to this because there is enough on that east facade left of Maurice Fatio's that if you change that front entryway, you could get that back, and it could qualify for benefits under our program and someone who would want to tear it down and put something else up would be hard-pressed to do that. That's one of the reasons we have the landmark program. On the other hand, we have an owner that says no, and we do have a lot of alterations to this property. Some of them were done distastefully to the west facade of the house. Could it be returned to its original? You bet ya' because we've got all of Maurice Fatio's drawings and we've got wonderful architects on our commissions that could do that if they were hired to do that to this house. So, it's up to you from a philosophical point of view where you want to go with landmarking. There are a lot of structures this season that have been brought up under this new system, where basically, we only see the front of the properties when we start this, but they still meet the broad range of our criteria, and it's your burden to interpret that criteria and decide what you want to recommend to Town Council for possible landmarking. And if I have any other questions that I can answer for you, I would be happy to do that.

MR. FRANK: Mr. Chairman, I'd just like to add beyond Mrs. Day's presentation...I rarely do this, but when we took our visit to the site, we were met by Chris Condon of Sotheby's Real Estate. You might remember Chris. She was the one who testified against the reef being landmarked, a Maurice Fatio structure. Basically, she immediately started not only attacking the house, but she attacked the Landmark Commission and what we do and so forth. Essentially, I had to keep asking her throughout our tour...is there anything that you can point out to us, Ms. Condon, where this doesn't meet the criteria of the Landmark Commission. During the entire review of the house, and maybe Mrs. Day can correct me, I don't remember Mrs. Condon ever telling us that the house didn't meet any of the criteria of the Landmark Commission, nor could she offer any evidence for it. However, it's my humble opinion that she has been advising her clients...she told us that she thought it was a tear down... she thinks that this property should be removed and re-developed, and basically it's this kind of attitude, I think, that puts our program in a lot of jeopardy. That's for the record.

MR. SMITH: I don't think she's qualified to make those statements.

MRS. DAY: I don't think that that's relevant anyway...what the intent is to do with the property right now. I think that what you need to look at is our criteria. Criterion (c)...I think that this represents a form of wood frame architecture that Maurice Fatio did, that enough features, although not all, still remain and the plans are in existence so that it could be returned to that, that it meets that criteria. And definitely he is one of the master architects within the Town so it meets criterion (d).

MR. DEZIEL: Mr. Chairman, I'd just like to address Ms. Day's comments here. I think she's....and I love Jane, but I think she's grasping there to say that this should be a landmark structure because it's a wood frame house. That's just what I heard. And I want to refer to the criteria that she put in her book. The first one is it's "representative of the notable work of a master designer, builder or architect." There is just no way this is representative of Maurice Fatio's work.

MR. ZUKOV: I think we can do one facade, couldn't we? Is that possible?

MRS. DAY: Yes.

MR. SMITH: What I'd like to say to begin with....I remember when this house was on our list, and because I had personal knowledge of the property, being through it a couple of times with potential purchasers of the house, I knew the plan. It just does not feel like a landmark home when you're in it. From the street, I think it is an attractive home. I mean it certainly looks nice. And then with the driveway which we all....I ranked it the lowest because I knew the house. And I do think about, when a house is landmarked, what are we landmarking and what is representative of Maurice Fatio's work. And, personally, if I was Maurice Fatio I would be appalled coming back and thinking that this is what has been landmarked with my reputation. And architecturally, I think, the house does not stand on its own as a landmark. That's just my...can it be...could I turn it back into one...absolutely, in a heartbeat. I could do it. I could turn it back because the form and the massing is still there, but it's been incredibly altered, and if we had an owner wanting us to landmark it, I'd do it in a second.

MRS. DAY: I think we're on the same wave length here, and that's what you have to decide.

MR. SMITH: But with us landmarking it and sending it up to Council and with opposition from an owner, I think I have reservations about it and that's all.

MR. ZUKOV: Would the owner consider just landmarking the east elevation?

MR. DEZIEL: Mr. Zukov, I think that he doesn't want to do that, and I think there is good reason for it. If the east facade...I'm sorry...the west facade resembled somewhat the east facade, the west resembled the east, and somebody, through future work could start to tie them together, I think that's a reasonable request on your part. But the owner, if he has this east facade landmarked, he's in such an awkward box because he's got that west facade to deal with, and I think, as a Town, we're going to end up with a more attractive structure there if we give somebody the flexibility to say...go build a future landmark home. I understand what you're saying, but their hands are tied with that west facade, how they tie it into the east facade, and then you're saying....well go back and make it what it was like. I know that's not what your charge is and that's not what you people are doing here. It would just make it very difficult.

MR. MOORE: Mr. Chairman, I'd like to offer a couple of comments and I too think Robert's done a great job in his opposition and pointing out the defects of this particular structure architecturally. However, all the improvements to this house were approved by the Architectural Commission. So you have another commission that sits in this town that looked at all of these improvements. In Mr. Deziel's opinion, they are not good improvements. In the opinion of the Architectural Commission, who approved them, obviously they were sufficiently enough that they were passed and built. Certainly Mr. Charles Harrison Pawley is not Maurice Fatio, and I wouldn't disagree with that for a moment. However, I would tell you that what's before you today is the Fatio portion of this house for consideration and what you need to determine is whether this was altered significantly enough that it's destroyed the Fatio aspect of this house. That's what Mrs. Day is trying to tell you. I don't think that Mr. Deziel or Mrs. Day disagree on some of the base facts, and I think Mr. Deziel's done an outstanding job of getting and retrieving some of these photographs for you to see. So, your determination today would be to recommend to the Town Council....is there enough of this particular home left in your opinion to warrant its landmark status. Now, let me just say that with that status comes the inability to have a "tear down" as we've already heard some discussion, and be replaced with, as Mr. Deziel said, the landmark of tomorrow. So, it's pretty clear that you have an owner that doesn't want landmarking and he's going to a good presentation to avoid it, but you also know what's basically in the back of that owner's mind is to divest himself of the property so it can be replaced with another structure, perhaps a landmark for tomorrow. So, the question before you is...is there enough left. If there is enough left in your opinion, you should recommend approval to the Council. If there isn't enough left, you should certainly not recommend approval and turn down the landmarking of this property.

MR. ZUKOV: To me the only thing that's left is the east elevation, nothing else. Does

MR. SMITH: Would anyone like to make a motion?

① MOTION BY MR. SILVERMAN THAT 726 HI-MOUNT ROAD NOT BE LANDMARKED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

VII. Other Business:

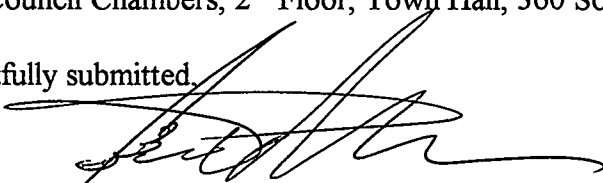
B. Distribution of Designation Reports for January meeting

VIII. Adjournment:

The meeting was adjourned at 1:20 p.m. with the agreement of all.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, January 20, 1999, in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Eugene Pandula, Vice Chairman

①md

①

TOWN OF PALM BEACH

ATTENDANCE RECORD (1998)

MEMBERS	1/ 98	2/ 98	3/ 98	4/ 98	5/ 98	6/ 98	7/ 98	8/ 98	9/ 98	10/ 98	11/ 98	12/ 98
Jeffery W. Smith	P	P	P	P	P	P	P	P	P	P	P	P
Eugene Pandula	P	P	P	P	P	P	P	P	P	P	P	P
Lindley Hoffman	P	P	P	P	P	P	P	P	P	P	P	U
Arthur Silverman	P	P	P	E	P	P	E	E	P	P	P	P
Elizabeth Shields	P	P	P	P	P	P	P	U	P	P	P	P
Sari M. Wilkey	P	P	P	P	P	P	P	P	E	P	P	P
Jacqueline Albarran de Mendoza	n/a	n/a	n/a	n/a	E	P	P	U	P	P	P	P

ALTERNATES	1/ 98	2/ 98	3/ 98	4/ 98	5/ 98	6/ 98	7/ 98	8/ 98	9/ 98	10/ 98	11/ 98	12/ 98
Leighton Rosenthal	P	P	P	E	P	P	U	U	U	Resigned		--
Nikita Zukov	P	P	P	P	P	P	U	P	P	P	P	P
Ann Lilja	P	P	P	P	P	P	P	P	P	P	P	P
Ann Blades												P

LEGEND: P = Present
 E = Excused Absence
 U = Unexcused Absence
 A = Absence Pending Classification as "Excused" or "Unexcused"

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (1998)

MEMBERS	1/ 98	2/ 98	3/ 98	4/ 98	5/ 98	6/ 98	7/ 98	8/ 98	9/ 98	10/ 98	11/ 98	12/ 98
Jeffery W. Smith				V1	V1	V1	VPD1	VPD3	VPD1	2VPD	V1	VPD1
Eugene Pandula					V2	V1					V1	
Lindley Hoffman												
Arthur Silverman												
Elizabeth Shields												
Sari M. Wilkey												
Jacqueline Albarran												
de Mendoza						V1	VPD1	VPD1	VPD1	1V 1VPD		VPD1
ALTERNATES	1/ 98	2/ 98	3/ 98	4/ 98	5/ 98	6/ 98	7/ 98	8/ 98	9/ 98	10/ 98	11/ 98	12/ 98
Leighton Rosenthal												
Nikita Zukov												
Ann Lilja												

LEGEND: V = One Voting Conflict during a meeting
 V2 = Two Voting Conflicts during a meeting
 V3 = Three Voting Conflicts during a meeting
 And so on...

VPD = Voting Conflict Previously Declared
 (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project. ONLY COUNT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY)

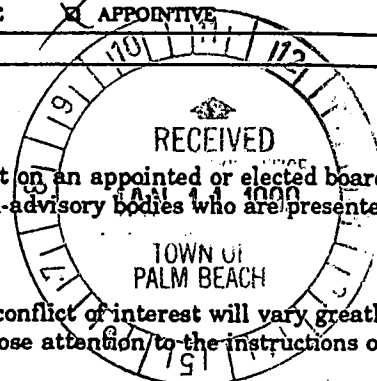
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME () LBARRAN de MENDOZA, JACQUELINE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 209 PHIPPS PLAZA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ TOWN ☐ OTHER LOCAL AGENCY	
CITY PAUM BEACH	COUNTY FL. 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 12/16/98		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 (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, JACQUELINE ALBARRAN de MENDOZA, hereby disclose that on 12 / 16, 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 _____, 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:

I AM THE ARCHITECT OF RECORD FOR
APP. FOR CERT. OF APPROPRIATENESS #49-98

12 / 16 / 98
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

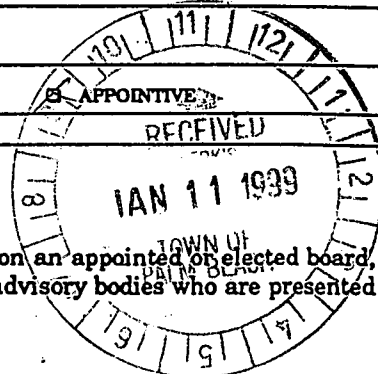
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SMITH, JEFFERY		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMAN'S PRES. Com	
MAILING ADDRESS 241 SANFORD AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH	COUNTY	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: Town of PB	
DATE ON WHICH VOTE OCCURRED 12/16/98		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.



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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.

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JEFFREY W. SMITH, hereby disclose that on 12/16, 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 M/M DAVID KOCIT, 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:

COA # 50-98, 150 S. OCEAN BLVD.

12/16/98
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME BARRAN de MENDOZA, JACQUELINE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 209 PHIPPS PLAZA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ Town OTHER LOCAL AGENCY	
CITY PAUM BEACH	COUNTY FL. 33480	NAME OF POLITICAL SUBDIVISION: Town of PAUM BEACH	
DATE ON WHICH VOTE OCCURRED 12/16/98		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

MINUTES

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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:

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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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DISCLOSURE OF LOCAL OFFICER'S INTEREST

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de MENDOZA

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- ☐ 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:

I AM THE ARCHITECT OF RECORD FOR
APP. FOR CERT. OF APPROPRIATENESS #49-98

Date Filed

12 / 16 / 98

Signature

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>SMITH, JEFFERY</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>LAWMAN'S PRES. Com</u>	
MAILING ADDRESS <u>241 SANFORD AVE</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <u>PAUM BEACH</u>	COUNTY	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <u>TOWN OF PB</u>	
DATE ON WHICH VOTE OCCURRED <u>12/16/98</u>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

MINUTES

WHO MUST FILE FORM 8B

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

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(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 M/M DAVID KOCH, 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:

COA # 50-98, 150 S. OCEAN BLVD.

12/16/98
Date Filed

[Signature]
Signature

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