

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, NOVEMBER 19, 1997

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 Chairman Jeffery W. Smith

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Vice Chairman
Lindley M. F. Hoffman, Secretary
Arthur Silverman, Member
Elizabeth Shields, Member
Harrison M. Robertson Jr., Member
Sari M. Wilkey, Member
Leighton Rosenthal, Alternate Member (arrived at 9:18 a.m.)
Nikita Zukov, Alternate Member
Ann Lilja, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the October 15, 1997 Meeting

Mrs. Delp stated that last month, during the approval of CoA #19-97, the Flagler Museum, it was recorded that Mr. Rosenthal made the motion. At that point in the meeting, however, Mr. Rosenthal was seated as an alternate member, and was therefore unable to sponsor the motion. Mr. Randolph confirmed that a new motion should be made relative to CoA#19-97.

MOTION BY MR. HOFFMAN TO APPROVE COA#19-97 AS OUTLINED AT THE OCTOBER MEETING.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. SILVERMAN TO APPROVE THE MINUTES AS CORRECTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

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IV. Administration of the Oath to all persons who wish to testify:

Mrs. Delp administered the oath to all who were present and wished to offer testimony today.

☐ V. Public Hearings:

A. Application for Certificate of Appropriateness No. 25-97

Awning

Owner: Lillian Rousseau

Applicant: C. Orrico

Address: 336 South County Road

Contractor: American Awning Company

Project Description: Request approval of an awning to be place over entrance on east side of building, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Mr. Joe Mattei of American Awning Company presented this request for the proposed round-top awning. He explained that the building at 336 South County Road is painted beige, and there are existing dark green awnings on the second floor. Mr. Mattei passed three different applications of the desired pink, white and green to be used in the awning. The applicant's preference was pink and white stripes with green trim. After consideration, the members felt that green and white stripes with a touch of pink would coordinate best with the second floor green awnings.

MOTION BY MR. ROBERTSON APPROVING THE AWNING IN GREEN AND WHITE STRIPES, AND A GREEN VALANCE WITH A TOUCH OF PINK ON THE VALANCE.

☐ MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 26-97

Awning

Owner: Eclectic Inc. & Carriage House Deco Inc.

Applicant: 264 The Grille

Address: 264 South County Road

Contractor: American Awning Company

Project Description: Request approval of an black and beige striped awning over the entrance, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Mr. Joe Mattei of American Awning Company stated that the applicant is trying to create a new entrance at the northeast corner where there are currently glass and metal doors. Mr. Mattei proposed a round-top bullnose awning style in black and beige stripes. An alternate proposal would be for a straight pitched or shed style awning, also in black and beige stripes. In either case, the door awning would extend further out onto the sidewalk than the existing window awnings. Mr. Smith commented that the use of the round-top awning would produce a "convoluted construction application," so he advocated the shed style, as did Mr. Pandula.

☐ MOTION BY MR. PANDULA TO APPROVE THE SHED STYLE AWNING.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 27-97
Monument

Owner: Town of Palm Beach

Applicant: Greater South County Road Association

Address: Town right of way (grassy area) at 204 Brazilian Avenue

Project Description: Request approval to place commemorative monument in grassy area at corner of Brazilian Avenue and South County Road to recognize those who donated to the tree planting along South County Road, and other associated changes as presented

PLEASE NOTE THAT THE APPLICANT HAS WITHDRAWN THIS PROJECT. MOTION REQUIRED FOR REMOVAL FROM THE AGENDA.

As the applicant has decided upon a different location for the monument, a motion to withdraw the item from the agenda was appropriate.

MOTION BY MR. SILVERMAN REMOVING COA#27-97 FROM THE AGENDA.

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Rosenthal arrived as CoA #28-97 was read.

D. Application for Certificate of Appropriateness No. 28-97

Miscellaneous changes to house and guest house

Owner/Applicant: Ms. Kathy Hammer and Mr. Arthur Seelbinder

Address: 210 El Brillo Way

Architect: SKA Architect & Planner

Project Description: Request approval of the following:

South Atrium Elevation: Existing 6"x6" columns become 8" x 8"

New pecky cypress and covered balcony with wrought iron

Add 2 new windows

East and West Atrium Elevations: Add doors and small windows

West Elevation: Block existing window

South Elevation: Replace window with pair of french doors and balcony

Balconies to be in wrought iron

Lower sills of existing dining room windows

Remove non-original aluminum sliders and windows and open loggia

Revise existing bay window

East Elevation: Block small stair window and add larger window to match existing window

Add wrought iron in small window to match other windows

General Notes: Replace existing roof

Replace existing windows and french doors with hurricane resistant wooden windows

Guest house east elevation: Enclose open loggia and add two french doors
Replace windows & apartment door with 2 french doors entering on existing structure
Replace two existing windows with new windows to match original
Add new window centered with roof peak

Guest house north elevation: Enclose open loggia and add 1 window
Add 1 window at second floor

Guest house west elevation: Remove wooden shutters
Replace sliders with french doors
New second story addition
New french door and wrought iron railing to existing deck

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mr. Silverman, Mr. Robertson, Mrs. Wilkey and Ms. Shields declared that they had visited the site.

Architect Jacqueline Albarran de Mendoza stated, for the record, that her clients are interested in seeking the tax abatement offered to certain landmark approved projects. She stated that the property is currently "under consideration" for landmarking, and in fact, later in today's meeting, the designation hearing will take place.

She referred to the site plan, and gave a broad overview of the major components of the project. The original windows had been replaced by aluminum awning windows. These inappropriate awning windows will now be replaced with wood casements with hurricane-proof glass.

Mr. Robertson asked why the LPC was being asked to review this project when the house was not yet landmarked. Mr. Moore responded that the LPC voted to place this house "under consideration for landmark designation, and once that is done, review of changes to that property are reviewed by the LPC. It is coincidental that the designation hearing will occur today also.

Mr. Robertson commented that upon his visit to the property, he found the house gutted, with only the walls, roof and floors remaining. The driveway is not paved. Mr. Silverman agreed that there is nothing there, and review of this project may be premature. Mrs. Albarran de Mendoza replied that the contractor made an error in that he proceeded beyond the bounds of his interior demolition permit by removing the driveway, pool and pool deck. She noted that the pool was not original to the property and that nothing of the original building has been removed. Mr. Smith stated that this is a Wyeth home which was built in the Boomtime Era. He felt it was worthy of restoration and a perfect example of a property well suited for the tax abatement. The following motions were made:

EAST AND WEST ATRIUM ELEVATION:

MOTION BY MR. HOFFMAN APPROVING THE CHANGES TO THE SOUTH, EAST AND WEST ATRIUM ELEVATIONS.

MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

WEST ELEVATION:

MOTION BY MR. PANDULA FOR APPROVAL OF THE CHANGE TO THE WEST ELEVATION.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

SOUTH ELEVATION:

MOTION BY MR. PANDULA FOR APPROVAL OF CHANGES TO SOUTH ELEVATION.

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

EAST ELEVATION:

MOTION BY MR. PANDULA FOR APPROVAL OF CHANGES TO EAST ELEVATION.

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

GENERAL NOTES:

MOTION BY MR. SILVERMAN FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY

GUEST HOUSE EAST ELEVATION:

MOTION BY MR. PANDULA FOR APPROVAL AS PRESENTED

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

GUEST HOUSE NORTH ELEVATION:

MOTION BY MR. PANDULA FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

GUEST HOUSE WEST ELEVATION:

MOTION BY MR. PANDULA FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

Mr. Robertson commented that this house was designed by a great architect, Marion Sims Wyeth, and the changes approved today radically change the structure. Therefore, one could ask if this is the same house as was originally designed. Mr. Smith commented that the LPC exists to approve changes to landmarked properties. Mrs. Albarran de Mendoza stated that no elements are being added which are not original to the structure. Mrs. Wilkey stated that rehabilitation of a structure is permitted under the LPC guidelines, and that is what this project falls under.

VI. Designation Hearings:

Let the record show 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: 440 Brazilian Avenue

Owner: Ms. Patricia M. Graebner

No witnesses stood to be sworn relative to this hearing. Staff who offered testimony had been sworn at the beginning of the meeting. Mr. Frank stated that proof of publication and proper legal service had been achieved relative to this hearing. Staff has studied the property and has found that it meets the following criteria for designation:

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(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

MRS. JANE DAY, STAFF PRESERVATION CONSULTANT: Mr. Chairman, members of the Commission, good morning. Before I start any of the landmark presentations today, I want to make a brief introduction to all of these properties and maybe this will shed some light on the discussion we've been having over the project that you just reviewed. All four of the properties that were brought forth this morning were brought forth to this commission by the owners, and all four of them have requested consideration in the tax abatement program. That's the reason that we're landmarking them, or bringing them forward to you. I believe that all four of them meet the criteria of the Town ordinance. I think that what we have to look at here is that this is the reason that the State of Florida passed the amendment to the State Constitution to initiate this tax abatement program, that that legislation was passed by the Town of Palm Beach And Palm Beach County.. These are properties that...because they were not in good shape when they were either purchased, not all of them, but two or three of them, that they could have been lost in the inventory of the Town building stock. The tax abatement makes it more attractive for somebody to go to the expense and trouble to rehabilitate these properties rather than just tear them down and put something brand new there. Therefore, it contributes to the character of the Town architecturally, and I think it's important to look at these properties philosophically from this point of view. You'll also notice that on the slides I have this morning, all the slides are really terrible. That's because all of these properties are now undergoing construction. What we will do as staff is, when the construction is finished and the C.O.'s are issued for these properties, if, in fact, they are landmarks, we'll go back and take new slides so that we have a record of what was before and what was after for documentation and for future commissions to look at. But none of the slides that I'm going to show you this morning show the properties to their best advantage because they are being worked upon.

The first one I have for you is 440 Brazilian Avenue. This is a modest Mediterranean Revival style residence. It was constructed in 1927. The Mediterranean Revival style of architecture is architecture that is commonly found in the countries and communities around the Mediterranean basin. It uses elements from Italy, Spain and North Africa and puts them together. As we all know, Addison Mizner really popularized this style within the Town of Palm Beach, and it's almost become his signature here. Therefore, even some of these small or modest examples are important in the overall fabric of the Town. Very little is known about this house from a historical point of view except that it was built in 1927 and that the owner at that time was a woman named Vina Carter. The plans that are on file in the Town are unsigned so we don't know who the architect is, and in fact, the house as it is built and sits now, does not exactly replicate the plans in the files because there was originally a porte cochere to the west of this property. That does not, however, take away from the fact that this house, in style and scale represents the boomtime building era in the Town of Palm Beach in the mid 1920's, and I think for that reason, it's important. Here you have the house under construction. (Referring to slides). It has this very lovely bay that extends to the north with casement windows. This is the entry to the property. The original column is there as was in the plans, but as I said, originally there was a porte cochere that extends to the west of the property. It's being restored now, and those restorations have been approved by this commission. A final picture of the property...I think that it's a property that does meet the criteria. It does represent what was built in the Boomtime in the Town of Palm Beach and is a good example of that trend in building in the mid 1920's to more modest style homes, not just the big beachfront mansions, and it is also a good representation of the Mediterranean Revival style in a smaller scale. Are there any questions, either about my initial comments or about this particular property?

MR. SILVERMAN: Does this identify with any historic people?

MRS. DAY: No. It's a very nice piece of modest Mediterranean Revival style architecture. I would hate to lose

it for the Town. It fits nicely into the program and it meets two of our criteria. This is very typical of what happened in the Boomtime Era in Palm Beach. A small builder or developer would come in and build one or two buildings, sometimes for themselves.

MOTION BY MR. PANDULA TO ACCEPT THE DESIGNATION REPORT AS PART OF THE RECORD.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Smith called or any other witnesses to offer testimony. There were none.

MR. HOFFMAN: I don't know about its historical value, but I think from an architectural point of view, it's a real benefit to the Town, and as such, I would certainly be in favor of its incorporation as a landmark.

MR. SMITH: I think it's a great project...again, that is what the tax abatement is for...it is to take a property that can be snapped up by a developer and change the density. It is on Brazilian Avenue which is just waiting for the clutches of a developer and this is the type of...this is how I grew up in Palm Beach, with homes like this along Brazilian Avenue, and I'm glad that the owner is willing to restore it.

MS. SHIELDS: I would just like to say the same... that it's so important that we keep an array of examples of the architecture in Town. We're losing so many of these smaller homes, and so, for me, I'm just delighted to see that this one is going to be restored and protected and saved.

MRS. ALBARRAN DE MENDOZA: I just wanted to mention that when I brought this project to you, I think it was in the same state of disrepair as the one I just presented, and I hope that you all can take a look and see that right now it's almost finished, and this is what we're hoping to do with the one I just presented. (Referring to 210 El Brillo Way) Thank you.

MOTION BY MR. PANDULA THAT THE PROPERTY AT 440 BRAZILIAN AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA AS PRESENTED BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Smith declared a conflict with Item 2, as he is the owner of the property, and passed the gavel to Mr. Pandula.

Item 2: 241 Sanford Avenue
Owner: Mr. Jeffery W. Smith

Mr. Frank stated that proof of publication and proper legal service had been achieved with regard to this designation hearing. No witnesses stood to be sworn. Mr. Frank commented with regard to statements made earlier in the meeting. He stated that sometimes people have pre-conceived notions about what landmarking means in the Town of Palm Beach due to their experiences with landmarks elsewhere in the United States. Some other areas of the country are quite stringent in demanding preservation, rather than recognizing the need for growth and change in a landmark property. The focus of the Town's landmark program is to permit changes which are sympathetic to the structure.

Staff has reviewed this property and has found that it meets the following criteria for designation.

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

☐ (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) (As added as an amendment to the report by Mrs. Day-see narrative below) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: I'm going to change this one again. I'd also like to add Criterion (d) to this report and the amended report will go to Town Council with Criterion (d). Criterion (d) is that the house is "representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age. In this case, the architect is Howard Chilton. His biography was not included in his report, but my staff completed it. It's the first house that we have found by Howard Chilton that's been designated in the Town of Palm Beach. I think you're going to hear more of him. He worked very extensively in the 1940's, not only on residential properties... a lot of them in the north end, toward the inlet, but also on some of the large apartment building in Town. So, I'd like to add Howard Chilton to the report, and I'll give you a copy of his biography later on in the meeting. 241 Sanford Avenue is a good example of the Georgian Revival style of architecture built in the Town of Palm Beach, in this case, designed by Howard Chilton. In this particular example of this style, the house also has quite a few Bermuda style details. The reason we didn't call it Bermuda is that the State of Florida, in its Master Site File program, does not recognize that as a style. They want all of the British Caribbean architecture under the Georgian Revival heading because it really does take details from England through the Caribbean basin and Bermuda and then bring them to this country. In this particular case, you've got the hipped roof with the exposed rafters, shutters, the very beautiful fanlight over the front door and the welcoming arms that come down from the wrought iron entrance. The house is a good example of this style. Historically, the house was completed in 1945, and it was completely renovated by Mr. Smith in 1993. Again, he is adding a second story addition to the west of the property, so consequently, we tried to keep that out of the picture, and that's why you see the entrance and the east wing. The development on Sanford Avenue was part of a development that was done by E. B. Walton that started in 1940, when one of the big estates, Los Incas, was subdivided and sold by John Sanford. Walton bought the property, subdivided, and started to build the homes along Sanford Avenue. This is the east wing of the property...again, the bay window with its auxiliary hipped roof and the little balconettes outside of the french doors are very typical of the Georgian Revival, again with the Bermuda influences in this style. This house is a good example of what's happening in the 1940's in Palm Beach with the division of a large estate into these smaller residential neighborhoods. It's a good example of the Georgian Revival style with Bermuda influences, and it's a good example of the work of Howard Chilton, and I think you're going to hear more of him. Are there any questions about the report?

MR. ROBERTSON: Well, I visited the property yesterday. As you said, there's a second floor going up. It's a garage...looks like a two car garage with a ...

MRS. DAY: Correct. There's an addition to the west.

MR. ROBERTSON: If we vote to landmark it, are we landmarking that addition as well as the original?

☐ MRS. DAY: Yes, you're landmarking the whole property. And landmarking goes as a covenant with the deed, I believe, Mr. Randolph. So, any subsequent owners would know it was landmarked, and you're landmarking the whole property. It does qualify the owners for any of the benefits of landmarking, on which the tax abatement is only one of them. There are other advantages as well. I think that it's a good thing for this property. I think that

the 40's have been overlooked, and I think that it's time to start recognizing what was done here. This is an island of neighborhoods, not just grand individual pieces of architecture. And one of the things, for those of you who have heard me lecture say, ad nauseam, is that building is a verb as well as a noun. If these properties don't work for people, there's really no point in preserving them as little time warps.

Mr. Silverman and Mr. Robertson declared that they had visited the property.

MRS. DAY: All four of these properties today have had changes come to you before they are officially landmarked. Because once they re put "under consideration," they come to this board rather than another board. In the past, we have had a property I can think of that is in the north end that was "under consideration." The changes were approved by this commission, and it was decided afterwards not to landmark this property because they drastically altered the facade that you could see from the street. I don't think that that's the case in any of these four projects that we're bringing forward today.

MOTION BY MR. HOFFMAN THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. SILVERMAN THAT THE PROPERTY AT 241 SANFORD AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION ASA LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY.

Item 3: 260 Pendleton Avenue

Owner: Mr. Joseph & Ms. Mary Webster

No witnesses stood to be sworn. Mr. Frank stated that proof of publication and proper legal service had been achieved with respect to this designation hearing. Mr. Frank notified the commission that ownership of this property has now changed from Joseph and Mary Webster to Mr. and Mrs. Alan Ciklin. Mr. Ciklin told Mr. Frank that he vigorously supports the landmarking. Staff has studied this property and has found that it meets the following criteria for designation:

- (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (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.

MRS. JANE DAY: 260 Pendleton Avenue was designed by John Volk in the 1930's. It's one of the number of homes, again, that was done during the Depression New Deal era...smaller homes, residential streets... and it was really driven by the early developers. In this case Arnold Construction was the primary developer of the street. So what happened during the 1930's was that Arnold Construction bought the land and then contracted out individual homes to prominent architects in Town. Business wasn't as good as it had been, and they were happy to get the commission. Most them were built on speculation. Volk did the majority of houses on the street, although there

are examples by most of the great architects in the Town of Palm Beach on this street. This particular house is designed in the Regency style. The Regency they're talking about is the reign of George IV in England from 1811 to the 1830s and 40s. It's another adaptation of the English style and what really distinguishes this from what you just saw in Mr. Smith's house is... the roof, walls joints are really very plain; there is usually a parapet of some kind, and in this case, there is a low pitched hip metal roof that runs behind the parapet rather than the exposed rafters that are common in the more Bermuda looking style. It does, however, use some of the design details...the keystones above the windows, the shutters...it's very symmetrical in its feel, and it's a good example of the style and what was going on in the 1930s in Palm Beach, and as an example of the work of John Volk. The east side is the main block of the house. There is a garage wing that extends to the west of the property with a little sleeping porch above that's screened in, and then the master bedroom is behind that. It's a good example of the style, and if you have any questions, I'd be happy to answer them.

Mr. Robertson questioned how this property reflects a "new attitude" in design and development as was stated.

MRS. DAY: After the 1920s when homes were really very big and grand and people came down for the season during the Depression Era, and right before and through those WWII years, people came down here and settled here year round. So that you're looking at homes that weren't just vacation properties. So the "new attitude" is not only that a family was, perhaps, going to buy these homes and live in them, which in this case, there was only one owner previous to the two people who have just bought and sold the property in the last year, but also entertaining was done at home. It was on a smaller scale. If you read some of the cultural history of the period, a buffet becomes the way to entertain rather than a formal sit down dinner with a large dining room. And these homes reflect that time period in our history as well as what's going on architecturally within the Town.

Ms. Lilja asked what will happen with the plans which have already been approved by the LPC, as brought forward by the previous owners. Mr. Frank replied that the new owners, the Ciklins, will continue with the work approved under the previous ownership. He stated that this particular house will enjoy benefits beyond the tax abatement, that being relief from the FEMA regulations and so forth. Mr. Frank commented that without landmarking, in his opinion, this house would not have survived for very long.

MOTION BY MR. SILVERMAN THAT THE DESIGNATION REPORT BE MADE PART OF THE RECORD.
MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

NO OTHER WITNESSES WERE PRESENT TO TESTIFY.

MOTION BY MR. SILVERMAN THAT THE PROPERTY AT 260 PENDLETON AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

Item 4: 210 El Brillo Way

Owner: Ms. Kathleen W. Hammer

Mr. Frank stated that proof of publication and proper legal service had been achieved with respect to this designation hearing. No witnesses stood to be sworn. Mr. Frank stated that this property meets the following criteria for designation as a landmark of the Town of Palm Beach:

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(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.

MRS. JANE DAY: 210 El Brillo is a Mediterranean Revival style house...two stories...designed by Marion Sims Wyeth. I think you've seen the house in detail this morning because you reviewed the plans for rehabilitation of the property. Again, I apologize for the photographs. Not only is this house under construction, but there is quite a lot of foliage on the street and the photographs are not really up to what they should be. However, I think that it's important to realize that this house was designed in 1929 by one of the master builders of the Town of Palm Beach, Marion Sims Wyeth. But you shouldn't look at this property as being an individual client generated project for Wyeth. It was a house that was built on speculation. It was one of four houses that he built in collaboration with Benjamin Hoffman on El Brillo and they were financed by Earl Perry Carlton who was a Woolworth Vice President and had previously hired Wyeth to design the Carlton family residence at 101 El Brillo of 1922. Obviously the man was happy with Wyeth's work. They were looking for a business deal. The boomtimes are going like crazy, not only in the Town of Palm Beach, but all over South Florida, and these folks were building these houses on speculation. In order to do that, I think that Wyeth had to be unique in his plans, and this particular house is very unique. Unlike the other residence that we looked at on Brazilian, that is more "boiler plate" in the way you enter the house and the way the rooms work with each other, this particular property is completely different. You enter through this exterior door into a small courtyard in the middle, and I think that if Mr. Wyeth came back...it is irrelevant what you do to change the house, but I would ask him, do you recognize this property and with what's going on with it today and what's happening, he could stand on the street and say, yes, this is plan #B that I did with Ben Hoffman in 1929. Again, this is part of the tree trimming and things that are going on, so it makes it very difficult...you see the mass of the house that is all inward seeking interior spaces and I think that that's what's important about this. I think that the property is a good example of Wyeth's work on a smaller scale. I think it's representative of the late boom periods in the Town of Palm Beach and I think that we need to preserve and protect a number of the different examples of the Mediterranean Revival style. Sometimes, I think we tend to look at this style and think it's one thing, when in fact, Mizner, himself, thought that it was a group of different details from all over the Mediterranean basin put together here for a resort-type architecture, and I think in that case, that this is important. I also talked to the owners before the project started. I saw the house before there was any demolition done to it at all. We discussed particular things that they first thought they wanted to do and because the plans were found, decided not to do it, and to go more with what Wyeth's original intent was. I think it's a good example. It meets the criteria, and I recommend that you landmark it as a landmark of the Town of Palm Beach. Are there any questions?

Mr. Robertson: Well, Mr. Chairman, I'd like to ask Mrs. Earl...I see she's here...to give us her expert opinion on how much change can be made and yet still have the property worthy of our action of preservation. In other words, getting back to what I said earlier, there are so many changes in this property, is it still the same property? That's all I'm asking.

Mrs. Polly Earl, Director of the Preservation Foundation stated that perhaps Mr. Robertson "is trying to be the conscience of the Commission, and every commission needs a conscience." She remarked that she has not seen anything approved for this house that is out of line with the "power and opportunity" to approve. The Landmarks Preservation Commission has the "opportunity to allow these structures to change in ways that are compatible with their original architecture." If these houses can be brought up to date, "we give them generations and generations

more of useful life." She also reminded the members that the Secretary of the Interior's Standards allow wide latitude to alter, add or subtract from designated structures, without damaging the property's essential character.

○ Mrs. Albarran de Mendoza, architect for the current project at this house, stated that many of the changes which were brought to the LPC today were, in effect, bringing the property back to its original design.

MOTION BY MR. PANDULA TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

NO OTHER WITNESSES WERE PRESENT TO TESTIFY.

MOTION BY MR. SILVERMAN THAT THE PROPERTY AT 210 EL BRILLO MAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

VII. Other Business:

a. Informal Review: 201 El Bravo Way

Request informal review of revisions to previously approved plans

○ Mr. Smith declared a conflict with respect to this issue, and passed the gavel to Mr. Pandula.

Architect Mike Johnson appeared on behalf of his client, Mr. Herbert Pheeny. This project was previously reviewed and approved by the LPC last month, but certain changes are now requested. This matter was being heard informally for commission feedback, as the applicant did not meet the filing deadline for a formal hearing.

The changes are as follows:

1. Addition of horizontal mullions to the existing single lite french doors -raised muntin bars.
2. Replace the existing wood and glass panel door with an original Mizner iron gate with glass panel behind to offer more light.
3. Enclose the west end of the open air loggia (off the living room), where the bar is located. Enclose with sliding glass panels in bronze frames pocketed into the walls. Columns will be added to hide the panel framing.

The LPC had some concerns as to the appropriateness of the applied muntin bars. Staff noted that in order for windows to be acceptable by code, they must either be impact resistant or have shutters. However, impact resistant windows only come in single sheets of glass. Mr. Frank stated that some applied muntins are constructed in such a way that one cannot tell that they are not an integral part of the unit. The applicant was advised to bring a sample of the product to the formal hearing in December.

B. 1997 Historic Survey Report: Mrs. Jane Day

○ Mrs. Day stated that the LPC has had the 1997 Historic Survey Report for a month now, and asked for any questions. As promised, she distributed a report entitled "Recommendations for Future Designation." which includes properties worthy of designation which are less than 50 years old. The properties listed are:

444 North Lake Way, "LaRonda": Architect - John Volk in 1969; spherical or round concept, unique in the Town
756 North Lake Way: Architect - Howard Major in 1958, Oriental style
944 North Lake Way: Architect - Richard Meyer in 1977, Minimalist in style
144 Wells Road: Architect - Alfred Browning Parker in 1960, Prairie style with oriental overtones
977 North Ocean Boulevard: Architect - John Volk in 1965, Exemplifies a change in architecture in Palm Beach

Mrs. Day showed slides of each property and discussed each briefly as well. In her opinion, all of these properties are important and they all fulfill the criteria. She asked for direction from the commission. Ms. Wilkey was very interested in moving forward with designation of "La Ronda," as it is currently for sale and is just a one bedroom home. She advocated contacting the owners of these important properties to educate them regarding landmarking and its advantages. Mr. Smith stated that he will speak to the Macks who are the owners of 944 North Lake Way. Mr. Robertson was asked to speak to Mrs. Casscells, the owner of 756 North Lake Way.

The commission asked Mrs. Day to arrive at a specific number of properties which could be looked at this designation season. She replied that numbers are not and should not be of primary concern. Properties which are landmarked must be defensible. Sheer numbers of designations are not important. Mr. Moore agreed with Mrs. Day adding that from a budget standpoint, only a certain number of designations can be completed this season. Mrs. Day stated, however, that she can probably complete another twelve reports this season...these five homes just discussed, two more which have been proposed by owners, and five more properties yet to be determined. **The commission members were asked to submit a list of structures, by the December meeting, including those properties which they feel are most worthy of designation.** Staff will then review these prioritized lists for action at the January meeting.

MOTION BY MRS. WILKEY PLACING "LA RONDA" UNDER CONSIDERATION FOR LANDMARKING, AND AUTHORIZING STAFF TO STUDY THE OTHER FOUR PROPERTIES LISTED IN MRS. DAY'S REPORT, AS DISCUSSED TODAY.

MOTION SECONDED BY MR. PANDULA.
MOTION WITHDRAWN.

Mr. Robertson felt it was a radical step to place the properties which are less than 50 years old "under consideration."

MOTION BY MR. ROBERTSON THAT THE REQUIREMENT OF 50 YEARS OF AGE IS NO LONGER A REQUIREMENT.

MOTION DIED FOR LACK OF A SECOND.

Mrs. Earl stated that she was at the recent Zoning Commission meeting where a proposal was made, with Preservation Foundation objection, to allow a "hybrid" sort of landmarking where a structure could be recognized as architecturally significant regardless of its age, and in return for some sort of recognition that the owner would try to keep it architecturally significant, that property would be provided certain relief from the zoning code. The proposal was defeated. The Preservation Foundation feels that architectural significance should not become some sort of bargaining chip to allow more intensive development beyond what the zoning permits. Regarding the age of structures, the Preservation Foundation felt that 50 years of age was a good figure allowing for the establishment of validity and character. The ordinance does, however, allow the LPC to designate structures less than 50 years old.

MOTION BY MRS. WILKEY THAT THE LPC WILL NOW CONSIDER PROPERTIES WHICH ARE LESS

THAN 50 YEARS OF AGE FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. WILKEY TO PLACE 444 NORTH LAKE WAY "UNDER CONSIDERATION" FOR DESIGNATION.

MOTION SECONDED BY MR. HOFFMAN.

ROLL CALL VOTE: MRS. WILKEY	YES
MR. HOFFMAN	YES
MS. SHIELDS	YES
MR. SILVERMAN	YES
MR. PANDULA	YES
MR. ROBERTSON	NO
MR. SMITH	YES

MOTION CARRIED 6-1-0, WITH MR. ROBERTSON CASTING THE NEGATIVE VOTE AS HE HAS NOT SEEN THE PROPERTY AND THE OWNER HAS NOT BEEN NOTIFIED THAT THIS PROPERTY WAS BEING CONSIDERED FOR PLACEMENT "UNDER CONSIDERATION."

Mr. Moore noted, for the record, that this property is being placed under consideration for landmarking due to its worthiness, as outlined today, not because the property is currently on the market.

Mrs. Day stated that she has been contacted by the owners of 145 Root Trail and 324 Brazilian Avenue requesting that the properties be considered for landmark designation. 145 Root Trail is a frame vernacular home, believed to be the house of Captain Root, for whom the subdivision is named, and the owner is interested in the tax abatement. Mrs. Day read a letter into the record from Ms. De Matteo, the owner of 324 Brazilian Avenue. The architect for this property is unknown and it is a modest Mediterranean Revival residence. Mr. Frank stated that he believes this property, which is next door to the Brazilian Court Hotel, was built independently of the Brazilian Court, but later acquired by the Brazilian Court, and then sold off.

* MOTION BY MR. ROBERTSON TO PLACE ^{B7} 145 ROOT TRAIL AND ³²⁰ 324 BRAZILIAN AVENUE "UNDER CONSIDERATION" FOR LANDMARKING. *See December Minutes*

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

C. 150 Australian Avenue: Comments - Mrs. Jane Day

Mrs. Day stated that the new owner of 150A Australian Avenue is very happy that the property is landmarked and is interested in the tax abatement. This is very interesting in light of the fact that the previous owner made a serious attempt to undesignate the property.

D. Distribution of designation reports for December Designation hearings: 710 South Ocean Blvd.

E. Comments by Mrs. Polly Earl

Mrs. Earl attended the National Trust meeting in Santa Fe. Next year it will be held in Savannah, Georgia in October. She encouraged the members to try to attend next year, hopefully with an excused absence from the LPC meeting. She also suggested that the date of the LPC meeting might be changed so as not to conflict with the National Trust meeting date.

She noted that Diane Jenkins, who prepared a recent report on market value for the Preservation Foundation, will be on the Town Council agenda in December to address the Town Council regarding appraisal of landmarked properties and increased market values for landmarked properties.

The Preservation Foundation recently held a seminar for realtors regarding marketing historic houses. Mr. Moore, Mr. Frank and Mr. Smith participated in the seminar.

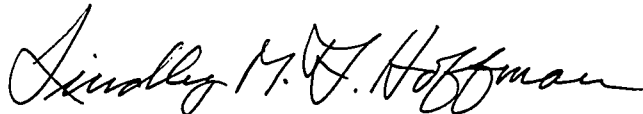
The Preservation Foundation feels it is a wonderful step, on the part of the LPC, to begin to look at more properties in the Town, both younger and older than 50 years of age. In order to be able to do more designations, perhaps the budget should be addressed to allow for more. Also, in owner sponsored designations, it may be advisable to gather as much information from those owners about the property to assist in the research process and thereby save the consultant's time.

MR. SMITH REMINDED THE MEMBERS ABOUT THE PRESERVATION CELEBRATION TODAY AT THE FLAGLER MUSEUM AT 5:00 P.M. HE ENCOURAGED ALL THE MEMBERS TO ATTEND.

VIII. Adjournment:

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 17, 1997 at 9:00 a.m. in the Town Council Chambers, Town Hall, Second floor, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Lindley M. F. Hoffman, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH

ATTENDANCE RECORD (19 97) WITH NEW MEMBERS

MEMBERS	1/ 97	2/ 97	3/ 97	4/ 97	5/ 97	6/ 97	7/ 97	8/ 97	9/ 97	10/ 97	11/ 97	12/ 97
Jeffery W. Smith	P	P	P	P	P	P	P	P	P	P	P	
Eugene Pandula	P	P	P	P	P	P	P	P	P	P	P	
Arthur Silverman	P	P	P	P	P	U	P	E	E	P	P	
Lindley Hoffman	P	P	P	P	U	P	P	P	P	P	P	
Harrison Robertson	P	P	P	P	P	P	U	U	P	P	P	
Elizabeth Shields	P	P	P	P	P	P	U	P	P	P	P	
Sari M. Wilkey	P	P	U	P	P	P	P	P	P	P	P	

ALTERNATES	1/ 97	2/ 97	3/ 97	4/ 97	5/ 97	6/ 97	7/ 97	8/ 97	9/ 97	10/ 97	11/ 97	12/ 97
Leighton Rosenthal	n/a	n/a	P	U E	U E	U E	P	P	P	P	P	
Nikita Zukov	n/a	n/a	E	P	P	P	P	U	P	P	P	
Ann Lilja	n/a	n/a	E	P	P	P	P	P	P	P	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 (19 97)
WITH NEW MEMBERS

MEMBERS	1/ 97	2/97	3/97	4/ 97	5/97	6/97	7/ 97	8/97	9/ 97	10/97	11/97	12/97
Jeffery W. Smith	V2			VPD1 V1	VPD1 V2	VPD1 V1	VPD2		VPD1 V1	V2	VPD2	
Eugene Pandula												
Arthur Silverman												
Lindley Hoffman												
Harrison Robertson												
Elizabeth Shields												
Sari M. Wilkey												

ALTERNATES	1/97	2/97	3/97	4/97	5/97	6/97	7/97	8/97	9/97	10/97	11/97	12/ 97
Leighton Rosenthal	n/a	n/a										
Nikita Zukov	n/a	n/a										
Ann Lilja	n/a	n/a										

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 Smith, Jeffery W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 241 Sanford Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY Town	
CITY Palm Beach	COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 5/21/97, 7/16/97, 11/19/97		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minute Member

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 present with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; ~~where~~ the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication made by the officer or at his direction.

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

- You should 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 should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on May 21, 1997

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

☒ X inured to my special private gain; or

 inured to the special gain of , by whom I am ~~responsible~~

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

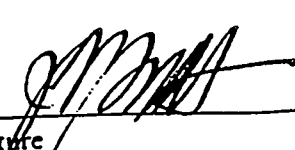
My house at 241 Sanford Avenue was placed "under consideration" for landmark designation by motion of the Landmarks Preservation Commission.

Also for Certificate of Appropriateness #14-97, 241 Sanford Avenue, heard 7/16/97

Also for landmark designation hearing heard 11/19/97

5/21/97

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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, REDUCED SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>Smith, Jeffery W.</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Landmarks Preservation Commission</u>	
FILING ADDRESS <u>241 Sanford Avenue</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: :: CITY :: COUNTY :: OTHER LOCAL AGENCY <u>Town</u>	
CITY <u>Palm Beach</u>	COUNTY <u>Palm Beach</u>	NAME OF POLITICAL SUBDIVISION: <u>Town of Palm Beach</u>	
DATE ON WHICH VOTE OCCURRED <u>10/15/97, 11/19/97</u>		MY POSITION IS: :: ELECTIVE X APPOINTIVE <i>minutes</i>	

WHO MUST FILE FORM 8B

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Your responsibilities under the law when faced with 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

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In either case, you should 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:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

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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 should 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.

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- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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- You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on 10/15/97, 1997:

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

☒ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained

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

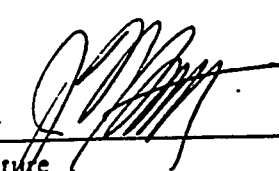
The applicant and property owner, Mr. Herbert Pheeney, is my client.

Regarding CoA# 23-97 for 201 El Bravo Way heard 10/15/97.

and regarding informal review heard 11/19/97 (no vote occurred)

10/15/97

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 \$5,000.

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MAILING ADDRESS <u>241 Sanford Avenue</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE OF WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY <u>Town</u>	
CITY <u>Palm Beach</u>	COUNTY <u>Palm Beach</u>	NAME OF POLITICAL SUBDIVISION: <u>Town of Palm Beach</u>	
DATE ON WHICH VOTE OCCURRED <u>10/15/97</u> <u>11/19/97</u>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE <u>Member</u>	

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

- You should disclose orally the nature of your conflict in the measure before participating.

☐ You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on 10/15/97, 1997

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

☒ X inured to my special private gain; or

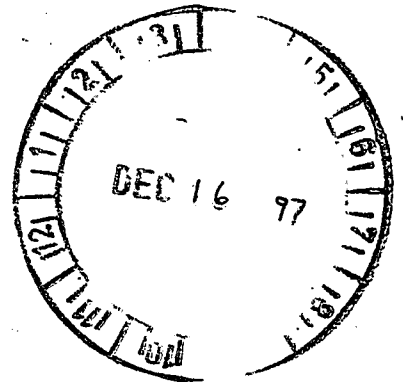
☐ inured to the special gain of _____, by whom I am retained

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

The applicant and property owner, Mr. Herbert Pheeney, is my client.

Regarding CoA# 23-97 for 201 El Bravo Way heard 10/15/97.

and regarding informal review heard 11/19/97 (no vote occurred)



10/15/97

Date Filed

Signature [Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 \$5,000.

To Town Clerk

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

NAME—FIRST NAME—MIDDLE NAME Smith, Jeffery W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 241 Sanford Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE WHICH I SERVE IS A UNIT OF: Town	
CITY Palm Beach	COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 5/21/97, 7/16/97, 11/19/97		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE member	

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 present with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; ~~although~~ the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication made by the officer or at his direction.

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

- You should 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 should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

- ☐ YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING
- You should disclose orally the nature of your conflict in the measure before participating.
 - You should 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 should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on May 21, 1997

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

☒ inured to my special private gain; or

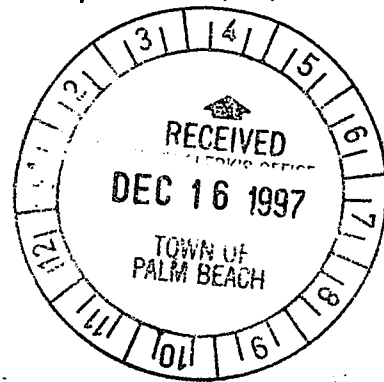
☐ inured to the special gain of _____, by whom I am ~~rec~~

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

My house at 241 Sanford Avenue was placed "under consideration" for landmark designation by motion of the Landmarks Preservation Commission.

☐ Also for Certificate of Appropriateness #14-97, 241 Sanford Avenue, heard 7/16/97

Also for landmark designation hearing heard 11/19/97



5/21/97

Signature [Signature]

☐ Date Filed

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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, REDUCED SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.