

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, APRIL 19, 1995

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

I. Call to Order: The meeting was called to order at 9:02 a.m. by Chairman Jeffery W. Smith.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
William S. Gubelmann, Vice Chairman
Eugene Pandula, Secretary
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Arthur Silverman, Member
Jane R. Grace, Alternate Member
Anne Keresey, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Joanna Frost-Golino, Member
Elizabeth Shields, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that a Court Reporter, Lisa Mudrick, was present for the Designation Hearing regarding the Kennedy property at 1095 North Ocean Boulevard.

A. Consideration of March absence of Mr. William Gubelmann

Mr. Smith stated that, per Mr. Gubelmann, the March absence should appropriately be considered as "unexcused".

Let the record show that today's absence of Mrs. Frost-Golino was "excused" for family illness. Ms. Shields' absence today is "unexcused".

III. Approval of the Minutes of the March 15, 1995 Meeting:

MOTION FOR APPROVAL OF THE MINUTES AS MAILED BY MR. SILVERMAN.
MOTION SECONDED BY MRS. GRACE.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

Mr. Smith restated his Conflict of Interest with respect to items "A" and "B" for 217 Clarke Avenue, as declared last month, as he is the architect for the project. (Voting Conflict form on file) Mr. Smith passed the gavel to Mr. Gubelmann.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (407) 838-5430

A. Application for Certificate of Appropriateness No. 61-94,
Miscellaneous Changes

Owner/Applicant: Mr. and Mrs. Lawrence Cummings

Address: 217 Clarke Avenue

Architect: Smith Architectural Group

Project Description: Request approval for renovation of existing residence to include new windows, new french doors, new driveway and courtyard, new landscaping, new frontispiece, and other associated changes as presented.

(Please note that the front facade with frontispiece and the second story addition were approved at the December meeting, with a deferral of the remaining items. The items were again deferred at the January and February meetings. At the March meeting, there was an approval of changes to the north, east and west facades with a deferral of the courtyard, driveway and landscape plans.)

PLEASE NOTE THAT THE ARCHITECT REQUESTS REMOVAL OF THE REMAINING ITEMS, THEREBY ALLOWING ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS FOR THOSE ITEMS WHICH HAVE ALREADY BEEN APPROVED.

MOTION BY MRS. ALBARRAN DE MENDOZA RESTATING APPROVAL OF THE ITEMS WHICH WERE PREVIOUSLY PRESENTED, WITH REMOVAL OF THE REMAINING ITEMS.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 19-95,
Addition

Owner/Applicant: Mr. and Mrs. Lawrence Cummings

Address: 217 Clarke Avenue

Architect: Smith Architectural Group

Project Description: Request approval of a second floor master bedroom addition on the west side of the house, and other associated changes as presented

PLEASE NOTE THAT THE ARCHITECT REQUESTS REMOVAL OF THIS ITEM FROM THE AGENDA.

MOTION BY MR. SILVERMAN TO REMOVE THIS ITEM FROM THE AGENDA.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Mr. Gubelmann passed the gavel back to Mr. Smith.

C. Application for Certificate of Appropriateness No. 5-95,
Roof change

Owner/Applicant: Mr. Daniel Abraham

Address: 150 Bradley Place, #806

Architect: The Pandula Architects

Project Description: Request approval to lower the height of portions of the mansard roof at the east 8th floor terraces to match the height of the existing adjacent mansard roof, and other associated changes as presented

(This matter was deferred from the January, February and March meetings.)

PLEASE NOTE THAT THE ARCHITECT REQUESTS DEFERRAL TO THE MAY MEETING. (The Condo must review the matter first.)

Mr. Pandula declared a Conflict of Interest with respect to this matter as he is the architect for the project. (Voting Conflict form on file)

MOTION BY MRS. METZGER FOR DEFERRAL TO THE MAY MEETING.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 8-95,
Police Station Steps

Owner/Applicant: Town of Palm Beach

Address: 345 S. County Road

Project Description: Request approval to reconstruct/reconfigure front steps, and other associated changes as presented

(Please note that the "Scheme B" design was approved at the February meeting, with a deferral of the bench design and required railings to the March meeting. At the March meeting, the bench design was again deferred along with the tile selection for the stairs.)

Mr. James Bowser, Town Engineer, returned to the Commission relative to this matter. He indicated that the Building Department may require a railing, to match the existing railing on the building, to separate the planter from the upper slab. The bench is now drawn as a built-in bench, and it will be tiled. Mr. Bowser indicated that there may be some small re-design of the bench as to slope and comfort level. (Mr. Bowser had previously met with Mr. Smith to review possible tile choices for the bench.) Three particular tile samples for the risers of the steps were shown to the commission, and Mr. Bowser requested that the same tiles be used on the bench as well. The Commission gave a resounding approval of these tiles, as opposed to those shown at a previous meeting. Mr. Bowser recommended that all three tiles be approved and used, with one tile design per the entire length of the riser. It was mentioned that a plaque would be placed in the back center of the bench in honor of Mrs. Barbara Hoffstot; that the plaque should be recessed and bronze...the size of two tiles.

MOTION BY MRS. ALBARRAN DE MENDOZA APPROVING THE THREE TILE SAMPLES AS PRESENTED, ALTERNATING THE TILE ON EACH RISER.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE BENCH (WITH A SLIGHT SLOPE ON THE BACK AND A BANDING ON THE FRONT TOP WITH THE BOTTOM LAYER 2" BACK); AND A DEFERRAL OF THE TILE DESIGN FOR THE BENCH AND THE BENCH PLAQUE DESIGN.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness No. 13-95, Additions

Owner/Applicant: Palm Beach Development Group

Address: 222 Phipps Plaza

Architect: Mr. Eugene R. Fagan

Project Description: Request approval of proposed additions of the breakfast, powder and hobby rooms; and landscape plan and other associated changes as presented

(Action at March meeting: APPROVAL OF PROJECT AS PRESENTED WITH THE APPROPRIATE CHANGES TO THE PLANS RELATIVE TO THE OUTLOOKERS AND THE CURVING OF THE FRONT WALL, AND WITH LOWERING THE MAIN HOUSE ROOF AND CHIMNEY, AND LOWERING THE BACK ROOF, (NOTE: ROOF CHANGES SHALL BE BROUGHT BACK TO LPC AT THE NEXT MEETING FOR RE-REVIEW SUBSEQUENT TO LPC SUGGESTIONS) AND INDICATING DETAILS, WITH A DEFERRAL OF THE LANDSCAPING, FOUNTAINS AND INTERIOR COURTYARD ELEVATIONS.)

Architect Eugene Fagan and Landscape Architect Steve Parker returned to the Commission. Mr. Fagan reviewed the revised plans indicating lowered roof lines, pursuant to the Commission's comments last month. He indicated that the wall fountains for the interior courtyard have been deleted from the project. Mr. Parker, reviewing the fountain issue, stated that the front fountain will be refurbished with a new centerpiece in a Shoumate design. There will be a total of two fountains included in the project. Regarding the formality of the landscaping planned, the owner would still like to retain the formality as a buffer from the commercial parking garage in the rear. Mr. Smith felt that the landscape plan is still out of character with Phipps Plaza. Informal groupings were suggested rather than lines of palms, as well as large canopy trees near the parking garage rather than palms.

Mrs. Jane Volk, 206 Phipps Plaza, addressed the Commission on behalf of the Phipps Plaza property owners, who would like the informal landscape maintained. She echoed the

suggestion to use larger canopy trees for screening rather than palms.

MOTION BY MR. SILVERMAN FOR DEFERRAL OF THE LANDSCAPE PLAN INCORPORATING THE SUGGESTIONS MADE, BUT NOTING THAT THE FOUNTAINS ARE APPROVED.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

Regarding the architectural changes to the structure, Mr. Smith commented about the new north elevation balcony whose railings do not match the other handrail on the site.

MOTION BY MR. GUBELMANN APPROVING THE ARCHITECTURAL CHANGES WITH THE PROVISIO THAT THE BALCONY RAILING ON THE NORTH ELEVATION MATCHES THE ORIGINAL HISTORIC RAILING AND WITH THE PROVISIO THAT THE RAILING MEETS CODE.

MOTION SECONDED BY MR. SILVERMAN

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 17-95, Awnings

Owner/Applicant: Power-Love Assoc.

Address: 256 Worth Avenue

Contractor: American Awning

Project Description: Request approval for change of approved awning color (CoA #14-95 heard in March) and additional awnings, and other associated changes as presented

Mr. Joe Mattei of American Awning stated the owner's request to change the approved awning color to dark green or alternatively to terracotta. Three additional awnings are requested in the northeastern quadrant of the courtyard. They will likewise be dark green.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE AWNINGS IN DARK GREEN, AND THE ADDITION OF THREE AWNINGS ALSO IN DARK GREEN.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 18-95, Tree plantings

Owner: Town of Palm Beach

Applicant: The Greater South County Road Association

Address: Town Hall Square Historic District

Project Description: Request approval to plant palm trees on the east and west sides of County Road within the

historic district, and other associated changes as presented

Mrs. Christine Franks returned to the Commission subsequent to a prior month's informal review of this matter. This project would place palm trees along South County Road from Seaview Avenue to Worth Avenue. The area in question today, however, is from Brazilian Avenue to Chilean Avenue, the Town Hall Square Historic District. It was noted that this project will be funded by donated funds and association funds, and will not involve Town funds.

Mrs. Franks returned today with a street elevation, as was requested by the Commission previously, showing the positioning of the trees in relation to the buildings. She stated that she and Mr. Bowser, Town Engineer, had walked the street and had made particular placement of each of the trees, noting where signs and newsracks would have to be moved, etc. The street elevation, however, was just for one block. This ultimately became a point of contention with the Commission who later requested streetscapes for the entire Town Hall Square District. The palms involved in the project are Adonidia Palms to be planted at a height of 8 - 10 feet. Mr. Smith questioned the use of this type of palm as they are never typically tall enough at installation. He remarked that the Worth Avenue palms are still too short, and were installed quite some time ago.

Mr. Bowser stated that the palms will be planted in areas where the sidewalks are at least 10 feet in width, and that five feet of sidewalk will be maintained at all times. He stated that items such as signs, newsracks, doorways, and awnings, etc. were taken into consideration when tree placement was decided.

After discussion, the Commission made the following comments in summary of the review of this matter. They felt that the Adonidia palms were fine with the proviso that they be of sufficient height. The Commission stated a need to see streetscapes for all blocks within the Town Hall Square District, and that these streetscapes should show the trees at installation height. Also, the clear trunk height should be measured, as well as the total height measurement. The Commission asked that the total number of trees desired be indicated, with the understanding that the LPC may choose to delete some.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR DEFERRAL TO THE MAY MEETING.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

H. Application for Certificate of Appropriateness No. 20-95,
Pool & Finish Details

Owner/Applicant: 38 East Corporation

Address: 1300 South Ocean Boulevard

Architect: Ferguson, Murray & Shamamian

Project Description: Request approval for new pool at the south side of the property, final review of finish details and other associated changes as presented

Mr. Smith restated his Conflict of Interest with respect to the matter, (Voting Conflict Form on file) and passed the gavel to Mr. Gubelmann.

Attorney Robert Deziel addressed the Commission regarding the history of this project as a whole, as it began nearly a year ago. He thanked the LPC members and staff for all of the assistance offered to the applicant.

Architect Mark Ferguson presented the south pool request. The pool coping will be coquina stone with a rounded bullnose, and the lawn will serve as the pool deck. At the water line, hand painted decorative tiles will be used to match the tiles of the north pool. The pool will be 30' x 40' with seating at the shallow end facing south.

The guardhouse, which was previously presented and approved, has now been eliminated. The entrance to the property will be reconfigured so that the radius is broad enough for emergency vehicles. This will require moving the piers further into the property and broadening the driveway. As one approaches the house, a "Y" will be created in the driveway, allowing persons to find the front entrance more easily. The previously approved tennis pavilion will now be reduced in complexity. In fact, it will mimic the pergola at the north courtyard with four stucco piers, cypress timbers, lattice and coquina paving with grass joints. A flight of stairs will be added from the east side of the new pool loggia to enable one to get to the main lawn. It was noted that the area under the bridge will be maintained as a driveable surface, pursuant to Code requirements, but a path with piers will be added for foot traffic. At the guest parking area, tall hedges will screen the cars and the opening will be punctuated with a pair of low piers contiguous with the wall. At the south end of the ocean terrace, the balustrade is only 27" high. This height does not offer enough protection, so a narrow planting bed will be installed to prevent approach to the balustrade.

The Commission was shown a slide presentation demonstrating the current condition of the property showing the approved changes to date. Slides also showed lanterns and sconces which flank the front door; sconces for the ocean side of the house, and eave lighting required for egress by the Town.

MOTION BY MR. PANDULA FOR APPROVAL AS PRESENTED, INCLUDING THE MODIFICATIONS TO THE PROJECT.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

At this point, 10:27 a.m., there was a short recess until 10:35 a.m.

V. Designation Hearings:

Item 1: 240 Cocoanut Row

OWNER: Board of Public Instruction

Please note that this matter was deferred from the January, February and March LPC meetings.

MOTION BY MR. PANDULA TO MOVE THIS ITEM TO THE END OF THE AGENDA.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Item 2: 1095 North Ocean Boulevard

OWNER: Estate of Mrs. Rose F. Kennedy

Please note that this matter was deferred from the December, January, February and March LPC meetings.

Mr. Smith declared a Conflict of Interest with respect to this matter (Voting Conflict form on file) as he has met with the contract purchasers of this property to discuss renovating same. He passed the gavel to Mr. Gubelmann.

Mr. Randolph outlined the procedure for this particular hearing. First, Mr. Brindell stated some objections relative to these proceedings, which will be followed by Mr. Randolph's address of these objections. As a quasi-judicial hearing, Mrs. Delp administered the oath to all persons who would be testifying. The hearing consisted of testimony and cross examination of same by both the Kennedy team and the Town.

Let the record show that during discussion of this matter, various exhibits were accepted into the record. These exhibits are on file in the Planning, Zoning and Building Department.

Mr. James Brindell, Attorney with the firm of Gunster, Yoakley and Stewart introduced the Kennedy family team: Louis Mrachek, (Attorney with Gunster, Yoakley & Stewart), Margaret Rose Lucas (New York Attorney representing the Kennedy family interests), Charles Harrison Pawley (Designation Consultant), Kim Anderson (Planner with Gunster Yoakley and Stewart), Ronald Kochman (Attorney for Mr. and Mrs. John Castle, Contract Purchasers of the Kennedy House), Mr. Al Malefatto, and Mr. Ned Monell

(Realtor with Sotheby's International Realty).

Mr. Brindell objected to the notice relative to designation which was sent to the Joseph P. Kennedy Foundation (owner of the lot to the north of the house) as the Designation Report of the Town only addresses the land owned by the Estate of Rose Kennedy, where 1095 North Ocean Boulevard exists. His second objection related to the issue of "res judicata," as it is the Kennedy's position that this 1995 attempt to landmark the property is in fact the third attempt to do so, with the 1980 and 1990 attempts preceding this one. In 1980, the LPC recommended designation; the Kennedy family opposed; the Town Council did not ratify the designation. In 1990, the designation procedure was begun, but at the LPC hearing to designate, there was no motion made relative to this property.

Mr. Randolph responded to Mr. Brindell's objections. He was in full agreement with Mr. Brindell in that the record indicates that the only property to be considered for designation is the property where the house is located, 1095 North Ocean Boulevard, and that these proceedings do not pertain to the adjacent property to the north. With regard to the "res judicata" issue, Mr. Randolph distributed and reviewed a memorandum with the LPC members referenced as a "Res Judicata" outline. (Memorandum on file.)

Let the record show the Mrs. Keresey left the meeting at this point, 10:59 a.m. and did not return.

Let the record show that at 11:10 a.m. there was a five minute recess to allow the LPC members to review Mr. Randolph's Res Judicata Outline, referenced above. The meeting reconvened at 11:15 a.m.

Let the record show that Mr. Timothy Frank began to read the criteria for designation as stated in the Designation Report, but was interrupted by Mr. Randolph who felt it was not appropriate to do so at this time. He asked that evidence be heard which would substantiate the fact that there has been a sufficient change of circumstances from the previous attempts to landmark this property which would permit reconsideration of this matter. At this point, Mrs. Jane Day, the Town's Preservation Consultant, of Research Atlantica addressed the Commission. She presented a written statement of her qualifications which was made a part of the record. (Statement on file) The Town's position, per Mrs. Day, is as follows: Criteria (a) was not used as a basis for designation in 1980. Criteria (a), "Exemplifies or reflects the broad cultural, political, economic or social history of a nation, state, county or town" has been researched by the Town. Because of the Kennedy family, and how this house fits into the architecture of Palm Beach, this property does represent the broad cultural and social aspect of the Town and its history, as well as national politics with international implications. Criteria (b), "Is identified with historic personages or with important events

in national, state or local history," is important as there has been a major shift, since 1980, in the philosophy of the study of history. In particular, this is important due to the increase in the study of womens' history as it relates to the Kennedy women. The most significant change however, is the new availability of the original architectural plans, both Mizner and Fatio plans, for the property. These were not available to the public in 1980, and were not available to major Mizner scholars or to Dr. Carl Feiss, the Town's expert in 1980. Also, in 1980, both the 1095 North Ocean Boulevard property and the adjacent property to the north were considered for designation. This is likewise a change from today's potential designation. Mrs. Day also cited Criteria (d), "Is representative of the notable work of a master builder, designer or architect who individual ability has been recognized or who influenced his age." She stated that since 1980, Mizner has been recognized as one of the premier architects of his time. No scholarly work had been done on Mizner until Dr. Donald Curl completed his book in 1984. Mrs. Day also cited an apparent change in attitude on the part of the Kennedy family due to the wording of the advertisement used by Sotheby's to market this property. She also cited an apparent change in attitudes with respect to landmarking in general on the part of the Landmarks Preservation Commission and the Town Council of the Town of Palm Beach. Let the record show that the current Designation Report was entered into the record. (Designation Report on file.)

Let the record show that these proceedings continued (less an adjournment for lunch from 12:56 p.m. to 2:00 p.m.) until 4:30 p.m. on this date. In the interest of brevity for the purposes of these Minutes, suffice it to say that testimony was given by the following individuals. Subsequent to testimony, both Mr. Mrachek and Mr. Randolph were given time for cross examination. The tapes of the meeting are available in the Planning, Zoning and Building Department.

Testimony by Mrs. Alex Fatio Taylor of 360 Cocoanut Row, the daughter of Maurice Fatio, renowned architect.

Testimony by Mr. Charles Harrison Pawley, Architect, appearing on behalf of the Kennedy family.

Testimony by Mr. Ned Monell, Realtor with Sotheby's International Realty, appearing on behalf of the Kennedy family.

Testimony by Ms. Margaret Rose Lucas, Attorney from New York, Counsel to the Kennedy family.

Testimony by Mr. Ronald Kochman, Attorney for the Contract Purchasers, Mr. and Mrs. Castle)

Let the record show Mr. Brindell offered a compromise proposal, hereinafter called "Agreement" (copy attached to these Minutes). This document had previously been reviewed by Mr. Randolph who had contributed to the language of the document. Subsequent to

review of the "Agreement" and several out of Chambers calls to the contract purchasers by their attorney, the following motion was made.

MOTION BY MR. PANDULA AS FOLLOWS:

Designate that portion of the perimeter wall on the lot's western boundary fronting on North Ocean Boulevard and located south of the existing garage and driveway and the gate situated in such portion of the wall, with the placement of a small plaque on the designated wall. This recommendation for designation is made in conjunction with the "Agreement" which has been previously reviewed by John C. Randolph, Town Attorney, and which is subject to further revisions which were agreed upon at the April 19, 1995 hearing. These revisions shall include the following:

1. Any attempt by the current owner or any future owner of the property to demolish the structure or any portion of the exterior envelope of the structure may, without prejudice, allow the Town to initiate designation proceedings for the entire property. It was noted that demolition shall not be construed to mean, for example, the changing of a window to a door.
2. The current owner or any future owner, in seeking changes to the exterior of the structure, or changes to the property as a whole, shall first seek approval from the Landmarks Preservation Commission for said changes. If, for some reason, the owner and the Landmarks Preservation Commission reach an impasse relative to the owner desired changes, the owner has the right to seek approval for the same changes from the Architectural Commission as a second avenue for approval.
3. The "Agreement" is made with the proviso that the selected demolition of certain out-buildings, as discussed at the April 19, 1995 hearing, will not negatively impact any future attempt to landmark the entire property, should the provision described in (1), above, be invoked.
4. The aforementioned "Agreement" shall be binding for the current owner and any future owner of the property.
5. The Town Council shall be the body to deliver final approval of the designation with revised "Agreement".
6. If, for any reason, the Town Council will not approve the designation with revised "Agreement", the Town is not precluded from returning the matter to the Landmarks Preservation Commission for further deliberation.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY. (LET THE RECORD SHOW THAT MRS. ALBARRAN DE MENDOZA WAS OUT OF THE CHAMBERS AT THE TIME THE MOTION TOOK PLACE. SHE RETURNED APPROXIMATELY ONE MINUTE AFTER THE VOTE, AND UPON HEARING THE OUTCOME, SHE LIKEWISE INDICATED HER APPROVAL.)

Item 1: 240 Cocoanut Row
OWNER: Board of Public Instruction

Mr. Randolph made some preliminary comments regarding the legal issues surrounding the designation of the school. The School Board relies on Florida Statute 235.26 (1) which states that "public educational facilities shall conform to the State Uniform Building Code, and are exempt from all other state, county, district, municipal or local building codes, interpretations, building permits and assessments of fees for building permits, ordinances, road closures and impact fees or service availability fees." The School Board will not have a representative here today because they are taking the position that the Town has no jurisdiction over the school. Upon Mr. Randolph's research, he stated that there is an argument to be raised that there is no jurisdiction, however, there is also an argument to be made that the jurisdiction of the Town shall not be applied in a manner so as to take precedence over the State Uniform Building Code. Mr. Randolph stated that the question remains as to whether simply landmarking the property would indeed supersede the jurisdiction of the State Uniform Building Code. "I think there is a legitimate argument to be made that simply landmarking it does not do that. However, in the event they were to come for a Certificate of Appropriateness, and you were to apply your criteria, and those criteria flew in the face of the Uniform Building Code, I think at that point it would be very clear that you cannot supersede the State Uniform Building Code." Mr. Randolph suggested several options: 1) Go forward with the landmarking with no intent to supersede the Uniform Building Code 2) Defer the matter to the next season, as the School Board feels that they have not gotten sufficient cooperation from the Town.

Mr. Smith indicated that the school has gone to ARCOM in the past for exterior changes, therefore, he saw little difference with the review changed to the LPC. This, in itself, would indicate that the School has previously, in the past, accepted the Town's Ordinances.

Let the record show that it was established that this matter was properly advertised and proper legal service was achieved.

In furtherance of the Designation Hearing for 240 Cocoanut Row, Mr. Frank stated that this property 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.

(d) Is representative of the notable work of a master building, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: Public education began in the Town of Palm Beach in 1886. The Little Red Schoolhouse was located one mile north of where the Royal Poinciana Hotel would eventually be built. It opened with 12 students and a 16 year old teacher, Hattie Gale. When that school closed in 1901, the children of Palm Beach had no public school to attend. As a matter of fact, they had to take a boat across Lake Worth to West Palm to go to school. In 1921, there was a school that was built on the corner of Cocoanut Row. That school was designed by R.H. Tremble and the plaque and the School Board are all listed on that are all still there on the cornerstone of the building. When the first building opened, there were two classrooms and 50 pupils. By 1923, three additional classrooms and a low colonnade were added to form a U-shaped building. That's when these pillars and this arcade was added to the school. The first class graduated in 1927, when the eighth grade was added. That is again the original 1920's portion of the school and that's on the east side of Cocoanut Row. (She was referring to displayed slides.) There is ornamentation on that building with the cast stone detailing and other details of the Mediterranean Revival style. Note the barrel tile roof. In 1927, the School Board purchased land on the west side of Cocoanut Row, but lacked sufficient funds for the necessary expansion of the classrooms. Mayor John Shepard was responsible for securing the \$30,000 needed for the addition to the school. In 1929, School Board architect William Manly King designed the new building on the west side which housed four classrooms and an auditorium. This is the major portion of William Manly King's building, and this goes into the auditorium of the school. Cast stone detailing on that side of the school as well on the original 1921 portion. Again, that William Manly King addition in 1927. Later, more additions were added to the school. In 1934, as the student population increased, wing C was added. This was done by Edgar S. Wortman, and then again, in 1958, Wortman added more classrooms. As you can see with the surrounds of this, it says Palm Beach Junior High School above the door. And more additions were eventually added as Mr. Smith illuded to with the tower that was added and an addition to the south of the original school building that was designed by Gustav Maas. There's the tower. As you can see, they were all very sensitively done. The importance of this building is not so much its architecture. I didn't even use architecture as a criteria in this, but I used that criteria in (a) that talks about the broad sweep of history in the Town of Palm Beach. We're talking about the only public school there ever was in this town. We're talking about how the Town contributed that through the municipal government, public and womens' clubs and other interested citizens, and we're not talking so much about architectural integrity as we are historic context. I used criteria (d) which mentions William Manly King solely because he's on the National Register of Historic Places. He designed

schools for the School Board in Canal Point and in West Palm Beach. He did the National Armory Building in West Palm Beach, and I think it's important to mention that in our report, so if there is someone who is particularly studying this architect, they can come back to our information and include this in the entirety of his work.

Let the record show that the Chairman called for comments from the public, but there was no response.

MOTION BY MR. GUBELMANN THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

and

MOTION BY MR. SILVERMAN THAT THE PROPERTY AT 240 COCOANUT ROW 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. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

VI. Other Business:

- A. Landmarks Preservation Celebration This annual event will be held Thursday, May 18, 1995 at the Society of the Four Arts from 4:00 p.m. to 6:00 p.m. Two homes will be open, one a part of the original Warburton Estate, 456 Worth Avenue, and a Volk house at 196 Banyan Road. The event will focus upon a theme of "Yes...you can change," and will serve to educate the public, giving examples of changed landmarked properties. Letters soliciting donations to fund the event are being sent.

VII. Adjournment:

THE MEETING WAS ADJOURNED AT 4:36 P.M. UPON A MOTION BY MRS. METZGER.

The next meeting of the Landmarks Preservation Commission will be heard on WEDNESDAY, MAY 17, 1995 at 9:00 a.m., in the TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,

William S. Gubelmann
Vice Chairman

TOWN OF PALM BEACH

ATTENDANCE RECORD (1995)

With New Members

MEMBERS	1/95	2/95	3/95	4/95	5/95	6/95	7/95	8/95	9/95	10/95	11/95	12/95
Jeffery Smith			P	P								
Wm. Gubelmann	P	P	A	P								
Eugene Pandula			P	P								
Anne G. Metzger	P	P	P	P								
J. Albarran de Mendoza	P	P	P	P								
Arthur Silverman	P	P	P	P								
Joanna Frost-Golino			P	E								
ALTERNATES	1/95	2/95	3/95	4/95	5/95	6/95	7/95	8/95	9/95	10/95	11/95	12/95
Jane R. Grace	P	P	P	P								
Elizabeth Shields	U	E	P	U								
Anne Keresey	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 (1995)

With New Members

MEMBERS	1/95	2/95	3/95	4/95	5/95	6/95	7/95	8/95	9/95	10/95	11/95	12/95
Jeffery Smith			V2	VPD2 & V								
Wm. Gubelmann	V											
Eugene Pandula				V								
Anne G. Metzger												
J. Albarran de Mendoza	VPD1											
Arthur Silverman												
Joanna Frost-Golino												

ALTERNATES	1/	2/	3/95	4/95	5/95	6/95	7/95	8/95	9/95	10/95	11/95	12/95
Jane R. Grace												
Elizabeth Shields												
Anne Keresey												

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)

Agreement

The Town of Palm Beach, Florida ("Town"), the Landmarks Preservation Commission of the Town ("Commission"), and the Tenants-in-Common of the property located at 1095 North Ocean Boulevard in the Town ("Owners") enter into this Agreement on the ____ day of _____. 1995.

WHEREAS, the Owners own a lot more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Lot") which is improved by a house, accessory facilities and other improvements and known as 1095 North Ocean Boulevard in the Town of Palm Beach, Florida. Such Lot, house, accessory facilities and other improvements are herein collectively referred to as the "Property."

WHEREAS, the Town and Commission in 1980 and the Commission in 1990 considered the landmarking of the Property pursuant to Article III of the Town's Code of Ordinances but did not designate the Property as a landmark; and

WHEREAS, the Town and Commission are again in 1995 considering the designation of the Property as a landmark; and

WHEREAS, the Owners are currently resisting designation of the Property as a landmark as did Rose Fitzgerald Kennedy, the prior owner, in 1980 and 1990; and

WHEREAS, the Owners have demonstrated their willingness to pursue judicial action in opposition to any such landmark designation of the Property at substantial time and expense to the Owners and the Town; and

WHEREAS, the Owners desire to sell the Property as soon as is reasonably practicable; and

WHEREAS, the Town, Commission, and Owners would prefer to avoid further adversarial proceedings over the designation of the Property as a landmark; and

WHEREAS, the Commission on _____, 1995 approved this Agreement and authorized its chairperson to execute this Agreement; and

WHEREAS, the Town Council on _____, 1995 approved this Agreement and authorized the Mayor to execute this Agreement.

① NOW, THEREFORE, in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, it is agreed as follows:

1. The recitals stated above are acknowledged by the parties to be true and correct and are incorporated in and made a part of this Agreement.

2. The Owners agree to the designation as a landmark by the Commission and the Town of that portion of the perimeter wall on the Lot's western boundary fronting on North Ocean Boulevard and located south of the existing garage and driveway and the gate situated in such portion of the wall. Such portion of the perimeter wall and the gate are more particularly identified on Exhibit B attached hereto and incorporated herein and are hereinafter referred to as the "Designated Wall" and the "Designated Gate."

3. The Owners agree to the placement of a small commemorative plaque not to exceed ten inches in height and ten inches in length on the Designated Wall. Placement shall be south of the Designated Gate on the Designated Wall. Owners shall have the right to approve the wording on such plaque.

① 4. The Owners agree that the Town's landmark designation consultant may photograph the outside of the main house located on the Property as delineated on Exhibit C attached hereto and incorporated herein (the "Main House") at a time and under reasonable conditions acceptable to the Owners, but not later than May 12, 1995. Said photographing shall occur on only one day, unless the Owners otherwise agree.

① 5.(a) The Town and Commission shall make no further efforts to designate the Property, or any portion thereof, as a landmark except for the Designated Wall and the Designated Gate, unless the Owners or future owners of the Property either consent in writing to said designation or they, or their authorized agents or authorized representatives, apply to the Town for a permit for or make any attempt to demolish or partially demolish the Main House (the "Non-Designation Exception"). If the Non-Designation Exception is activated by an attempt to demolish or by application for a demolition or partial demolition approval(s) by the Owners or future owners of the Property, or their authorized agents or authorized representatives, no demolition shall occur until the Town and the Commission have the opportunity to consider the Main House for designation pursuant to paragraph 5(c) of this Agreement. The Town and Commission's right under this Agreement to undertake a landmark designation effort shall apply only to the Main House, subject to the Reservation of Rights under Provision 6 of this Agreement. This Non-Designation Exception is not intended to include repair of the Main House or replacement of windows, doors, roofing, or other

①

components of the Main House which do not eliminate the existing walls or roof of the Main House.

- (b) Notwithstanding Provision 5(a) above, the Non-Designation Exception shall not be activated by any application for an approval(s) to demolish any improvement or accessory facility or structure on the Lot other than the Main House, including, without limitation, the existing garage, any utility buildings or out-buildings (including, without limitation, all utility buildings situated between the rear wall of the garage and the laundry room addition) to the Main House, or the portion of the perimeter wall on the Lot's western boundary fronting on North Ocean Boulevard and located north of the existing driveway or the house buildings (including, without limitation, the laundry room addition) and the term "Main House" as used herein specifically excludes all of the same.
- (c) Any effort by the Town or Commission to undertake designation of the Main House, or any portion thereof, as a landmark, absent the approval of the Owner, pursuant to the Non-Designation Exception shall be brought to hearing or hearings during the first landmarking season immediately after or during which a demolition approval(s) for the Main House is requested, whichever is earlier, unless the then owner of the Property agrees to a later time; failure of the Town or Commission to comply with this hearing limitation shall constitute a complete and absolute waiver by the Town and Commission to exercise the Non-Designation Exception. Any such designation effort shall be limited to the Main House, may not include the improvements and structures described in 5(b) above and shall be the final effort of the Town and Commission to landmark the Property, or any portion thereof, except for the Designated Wall and the Designated Gate, based upon or arising out of
 - (i) the architecture or architectural history of the Property occurring prior to the execution of this Agreement; or
 - (ii) any events or the association of the Property therewith or any time period or event occurring prior to the execution of this Agreement; or
 - (iii) the occupancy by any person(s) of the Property or the association with said Property of any person(s) prior to the execution of this Agreement; or
 - (iv) any other factors, events, personages, works, associations, or history occurring prior to the execution of this Agreement.

6. In any proceeding by the Town or Commission, other than that authorized by Provision 2 above, to undertake designation as a landmark of the Main House, or a portion thereof, pursuant to the Non-Designation Exception set forth in Provision 5(a) above, the parties hereto shall retain all legal rights, arguments, theories, causes of action, defenses, appeals, and challenges of whatever nature which they may presently have or which may exist at the time with respect to such designation effort including, but not limited to, the issue of Res Judicata, changed circumstances, and the various designation factors and criteria set forth in Article III of the Town's Code of Ordinances ("Reservation of Rights"). In no event shall this Agreement or any actions taken by the Town or the Commission to consider the Property for designation during the years 1994/1995 be asserted, argued or determined to be a "consideration" of the Property for landmark designation in any future proceeding or court action relating to designation.

7. The provisions of this Agreement shall be subject to specific performance, and the prevailing party(s) in any action to enforce the provisions of this Agreement shall be entitled to the payment of attorneys' fees, expert witness fees, and costs by the non-prevailing party(s). This provision shall not constitute any limitation on whatever rights a party may have to damages for a breach of the terms of this Agreement.

8. Nothing in this Agreement and no action of the Town relating to this Agreement or its execution by the parties modifies or affects or is intended to modify or affect the rights of the parties with respect to the application or interpretation of zoning regulations of the Town relating to the Property. Zoning regulations applicable to the Property as of the date of this Agreement, and as may be amended from time to time hereafter, shall continue to be in effect subsequent to the execution of this Agreement. Neither this Agreement nor any action taken by the parties in reliance upon its terms or representations made in conjunction with said Agreement shall act as an estoppel against any party as it relates to the application and effect of the Town's Zoning Ordinance to the Property.

9. This Agreement shall run with the land, shall be recorded in the official records of Palm Beach County, Florida, and shall inure to the benefit of and shall bind the parties and their successors in interest.

Entered into this _____ day of _____, 1995.

Witnesses:

Mayor of the Town of Palm Beach, Florida

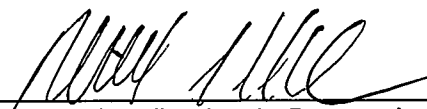
STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 1995, by _____, the Mayor of the Town of Palm Beach, Florida, on behalf of the Town. The above-named individual [] is personally known to me or [] has produced the following identification _____ which is current or has been issued within the past five years and bears a serial or other identifying number and did (did not) take an oath.

Print Name: _____
NOTARY PUBLIC - STATE OF _____
Commission Number: _____
My commission expires: _____

(Notarial Seal)

Witnesses:



Chairperson of the Landmarks Preservation Commission

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 19____, by _____, the Chairperson of the Landmarks Preservation Commission, on behalf of the Commission. The above-named individual [] is personally known to me or [] has produced the following identification _____ which is current or has been issued within the past five years and bears a serial or other identifying number and did (did not) take an oath.

Print Name: _____
NOTARY PUBLIC - STATE OF _____
Commission Number: _____
My commission expires: _____

(Notarial Seal)



STATE OF _____)

) SS.

The foregoing instrument was acknowledged before me this ____ day of _____, 19____, by Patricia K. Lawford, as Attorney in Fact for the Owners, who[] is personally known to me or [] has produced the following identification _____ which is current or has been issued within the past five years and bears a serial or other identifying number and who did (did not) take an oath.

Print Name: _____

NOTARY PUBLIC - STATE OF _____

Commission Number: _____

My commission expires:



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

LAST NAME—FIRST NAME—MIDDLE NAME PANDULA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CANAL MARKS PRESERVATION COMMISSION TOWN OF PALM BEACH	
HOME ADDRESS 201 SEAVIEW AVENUE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH	COUNTY FLORIDA	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 19 APRIL 1995		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minutes file

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. 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, whether 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, GENE PANDORA, hereby disclose that on 19 April, 19 95:

(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 MR DANIEL ABRAMSON, by whom I am retained.

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

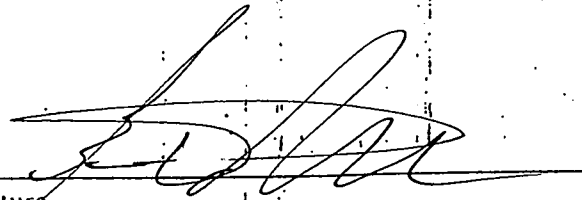
ARCHITECT FOR THE OWNER OF A PROPERTY
REQUESTING AUTHORIZATION FOR REVISIONS
TO THE ROOFLINE OF A LANDMARK
STRUCTURE

Regarding Certificate of Appropriateness #5-95

Date Filed

19 April 1995

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.

FORM 8B MEMORANDUM OF VOTING 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 PRES. COMMISSION	
HOME ADDRESS 241 SANFORD AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY TOWN	
CITY P.B.	COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 4/19/95		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minutes file

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



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, whether 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:

1 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 4/19, 19 95:

(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 LARRY CUMMINGS 217 CLARKE AVE, by whom I am retained.

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

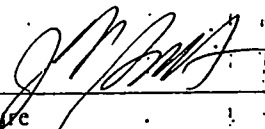
Regarding Certificate of Appropriateness #61-94 & #19-95,
217 Clarke Avenue, heard 4/19/95

Continuing renovation, Conflict previously declared
3/15/95.

Date Filed

Signature

4/19/95



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.

FORM 8B MEMORANDUM OF DECISION COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SMITH JEFFERY W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARK'S PRES COMMISSION	
HOME ADDRESS 241 SANDPOND AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PB		CITY COUNTY OTHER LOCAL AGENCY TOWN	
DATE ON WHICH VOTE OCCURRED 4/19/95		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minutes File

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. 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, whether 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 4/19, 19 95:

(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 RONALD DECEL MAN, CASA ALBAVA, by whom I am retained.

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

Regarding Certificate of Appropriateness # 20-95,
1300 South Ocean Boulevard, heard 4/19/95

Continuing renovation, Conflict Previously Declared
March 15, 1995

4/19/95
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.

FORM 8B MEMORANDUM OF DECISION COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>JEFFREY W. SMITH</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LPC</i>	
HOME ADDRESS <i>241 SANFORD AVENUE</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>P.B.</i>	COUNTY	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY <i>Town</i>	
DATE ON WHICH VOTE OCCURRED <i>4/19/95</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minutes

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. 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.

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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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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 4/19, 19 95:

(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 MR & MRS JOHN CASTLE, CONTRACT PURCHASERS, by whom I ~~am retained~~ HAVE MET

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

WITH REGARDING
RETAINING ME
FOR SERVICES

Regarding the Designation Hearing for 1095 North Ocean Boulevard,
heard 4/19/95.

Date Filed

4/19/95

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.