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TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
9:00 a.m., WEDNESDAY, APRIL 16, 1997
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. Mr. Smith welcomed the new Alternate Members, Nikita Zukov and Ann Lilja.

II. Roll Call:

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

ABSENT: Leighton Rosenthal, Alternate Member (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the March 19, 1997 Meeting and Workshop
MOTION BY MR. ROBERTSON FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

IV. Election of Officers
There was a unanimous approval of the following officers as nominated by Mr. Silverman and Mrs. Wilkey..

Chairman:	Jeffery W. Smith
Vice Chairman:	Eugene Pandula
Secretary:	Lindley Hoffman

Mrs. Delp administered the oath to all persons present within the Town Council Chambers who were going to testify today relative to any of the agenda items.

V. Public Hearings:

A.. Application for Certificate of Appropriateness #4-97,
Addition, loggia, and modifications
Owner/Applicant: Mr. Stuart and Ms. Anita Subotnick
Address: 702 North County Road
Architect: Mark Hampton, FAIA
Project Description: Request approval of the following...

1. Construction of one story addition south of the house and connected by a hallway. (Addition to serve as family room with covered porch and related fountain & garden)
2. Construction of roof over a portion of pool deck to create a shaded area west of house
3. Removal of glass panels on pool side of breakfast room, and installation of grill or louvered panels
4. Installation of louvered panels or grills along walkway at south side of pool patio for security and privacy
5. Construction of new stairway from west side of pool patio to lower garden
6. Enclose one doorway of entrance pavilion for security
7. Any other associated changes as presented

The following motion was made at the February meeting: MOTION BY MR. PANDULA FOR APPROVAL OF THE PROJECT AS PRESENTED, WITH THE CONDITION THAT THE GRILLS, LANDSCAPING, MATERIALS AND WINDOW GLAZING BE BROUGHT BACK TO THE LPC FOR REVIEW.

At the March meeting, there was a motion for deferral to the April meeting for the remaining details.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared.

Presenters: Mr. Mark Hampton and Mr. Rene Gonzalez, Architects, and Mr. Barry Miller, Landscape Architect

Mr. Mark Hampton first discussed the new grillwork. He presented a sample of the grills, which will be fixed in position and constructed of teak. The purpose of the grills is for the security of the residents when walking from the bedroom areas to the main areas of the house. The grills will occur on the south side of the pool patio and at the north side at the dining area.

As for paving materials, in the pool areas, the existing slippery white marble will be replaced with a cream colored bush hammered finish limestone material. The existing dark glazing in the windows of the house will be replaced with a clear laminated glass. Mr. Gonzalez showed a sample of the translucent onyx material which will form one wall in the new southern pavilion. The front doors are being changed from the existing black glass to a lighter wood.

MOTION BY MR. PANDULA FOR APPROVAL OF THE GRILLS AND MATERIALS AS PRESENTED.
MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

Mr. Barry Miller of Savino & Miller Design Studio presented the new landscape plan, which incorporates the existing vegetation and creates areas for play for the owners' children and grandchildren. The main entry drive will remain intact and flanked on both sides by some existing royal palms. Among these trees are some large banyan trees and ficus hedge lining the driveway. Some flowering trees will be added. The driveway will lead to a courtyard and a new stone fountain element. No change in the paving of the existing polished slate courtyard is planned at this time. Existing courtyard vegetation will remain, especially the great banyan in the front of the house. Grass areas will be planted on the terraced stairs to the garden, and a cascading fountain will occur here at the south end of the stairs.

Stepping onto the lawn from the grassed steps, one will enter a sub-tropical open hammock area designed to be a play area for the children. There are two driveway entrances to the north of the property. The service drive will remain, but the drive to the caretaker's office will be eliminated. Along the service drive, there will be an alley of arching ficus mixed with cocoanut palms. On the oceanfront, there is a large expanse of lawn punctuated by cocoanut palm groves. At the new pavilion on the south side of the property, a meditation garden with reflecting pond will look out onto the large banyan at the front of the house. Flowering ground cover and cocoanut palms will be placed around the main pool area. Royal palms will run along North County Road as well.

Mr. Smith stated that although this was a good presentation, details were still needed relative to the fountain at the end of the driveway, the cascade at the terraced stairs, and the reflecting pond to the west of the new south pavilion..

MOTION BY MR. ROBERTSON FOR APPROVAL OF THE LANDSCAPE PLAN AS PRESENTED, WITH A DEFERRAL OF THE WATER ELEMENTS TO THE MAY MEETING, AS MORE DETAILS ARE NEEDED.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY..

Mr. Smith declared a conflict with respect to Items B & C, and passed the gavel to Mr. Pandula.

B. Application for Certificate of Appropriateness #8-97,
Renovation and Addition
Owner/Applicant: Mr. and Mrs. John K. Castle
Address: 1095 North Ocean Boulevard
Designer: J.F. Brennan Design/Build
Lang Design Group
Project Description: Request approval of the following:

1. Review of exterior railings
2. Exterior color change
3. Change to one (1) exterior window opening
4. Repair and replacement of existing drives, walks and patios
5. Renovation of existing pool with the addition of a spa
6. Addition of small lily pond in the lower court and fountain in the upper terrace
7. Renovation of existing landscape and landscape lighting
8. Tennis court west fence replacement
9. Other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Ms. Lilja - drives by daily; Mrs. Wilkey- drives by daily, Mr. Robertson-visited the property

Mr. Joe Brennan, Designer, and Mr. Doug Root, Architect, of Slattery & Root Architects, presented this request for continuing changes to the Castle residence. Mr. Brennan began with the oceanside railings which were previously approved. Today, he presented a simpler alternative design. Railings will be painted black. At the coach house, two arched windows are on the front facade. For security purposes, decorative iron grillwork is requested to protect these openings. The owners have requested that "Sunset Pink" be the color of choice for the building. The fascia and soffit will be stained. On the west facade of the house at the upper balcony, set back approximately four feet, two windows and a door will be changed to a pair of french doors flanked by a window on each side. Mr. Brennan stated the entire renovation project is approximately 90% complete.

MOTION BY MR HOFFMAN FOR THE APPROVAL OF ITEMS 1-3 AS LISTED ABOVE.
MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY.

Mr. John Lang of Lang Design Group continued with the landscape plan. He explained that it is the Castle's wish to re-create the landscaping as it was in the Kennedy era, and as such, much historical research was done relative to the landscaping. A group of palms which once occurred along North Ocean Boulevard will be replaced. Fruit trees will be placed in the courtyard. The large banyan in the upper court will remain. The old stones from the courtyard were picked up, cleaned, and replaced in a pattern. Old deteriorated vegetation will be replaced with new material in kind. At the tennis court, the existing hedge will remain and the grade will be raised. At the pool areas, two cocoanut palms will be added to existing palms. The driveway material will be textured concrete stamped (rectangular) to look like pre-cast. At the back of the house, trees which have died were replaced, and a low hedge will be located around the foundation. Mr. Lang noted that the spa, lily pond and upper fountain were deleted from the request. Existing deteriorated landscape lighting will be replaced with all uplighting except for the down lighting of the banyan in the upper court. The tennis court west fence will be retained and repaired.

MOTION BY MR. HOFFMAN TO APPROVE THE PROJECT AS PRESENTED, WITH A DEFERRAL OF THE DRIVEWAY MATERIALS, AND RESERVING FINAL JUDGEMENT ON THE LIGHTING UNTIL IT HAS BEEN INSTALLED.

MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #9-97,
Landscape lighting
Owner/Applicant: Mr. Lowell W. Paxson
Address: 780 South Ocean Boulevard
Project Description: Request approval of wattage only of previously approved landscape lighting, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mr. Robertson, Mr. Hoffman, Mr. Pandula, Mr. Silverman, Ms. Shields, and Mrs. Wilkey indicated that they had visited the property and spoke with Mr. Brian Curtis.

MOTION BY MR. SILVERMAN APPROVING THE WATTAGE OF THE LIGHTING AS INSTALLED.
MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY.

VI. Designation Hearings:

Please note that the following transcriptions of the 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: 150 CLARKE AVENUE
Owner: Mr. Anthony K. & Ms. Victoria O. Baker

(Please note that this item has been deferred since the original hearing date of March 20, 1996)

CALL FOR DECLARATION OF EXPARTE COMMUNICATION: Mrs. Wilkey - drove by the property; Mr. Robertson - visited the property; Mr. Zukov - visited the property; Mr. Smith - visited the property.

Mrs. Delp stated that proof of publication and proper legal service had been achieved with respect to this property. Mrs. Delp administered the oath to Attorney Collette Meyer, Mr. Anthony Baker, Mr. Frank and Mrs. Day. Mr. Frank testified that this property meets the following criteria for landmark designation:

(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: Mr. Chairman, Members of the Commission, Good morning. The property I bring before you at this time is at 150 Clarke Avenue. It's a two story Monterey style house that was designed by Howard Major in 1934 for Alice Maud Howes. This house is constructed of hollow clay tile and it's a good representation of the style. This is what you can see from the street on the west facade of the property. You can see that there is a hip roof, quoins at the corners...the windows are primarily double hung sash, 6 over 6, and 8 over 12, and this is what you can see from public access of the interior courtyard. The house itself is a U shaped house that faces to the east onto a long landscaped lawn. To the rear of the property, is a garage and office space. That office space was re-designed and added by John Volk in 1948 for the Howes. As I said to you earlier, it's a good representation of the style and the work of Howard Major. There is a gable end facing roof, the cantilevered balcony over the front entranceway. It also has some french Creole design elements in the balustrades, on the second floor balcony, the quoins on the corner. It's a good representation not only of the work of Howard Major who brought the Bermuda style to Palm Beach, but also the work of John Volk. Are there any questions about the report?

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

MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

ATTORNEY COLLETTE MEYER: Good morning. I'm Collette Meyer, and I'm an attorney here in Palm Beach with the law firm of Donovan Leisure. I'm here today on behalf of Mr. and Mrs. Baker because they strongly oppose the designation. I don't know how many of you are familiar with Mr. Baker, but he is an architect. He also is the vice president of the Society of the Preservation of Long Island Antiquities. That's a society which recently came out with a rather extensive volume which includes the works of Howard Major, so our client is very familiar with Howard Major's work and he strongly believes that his home is not representative of that work. I'd like to make a few additional comments, with your permission, following his comments, but I'd like to introduce him now and ask him to comment on his own home and his own distinctions of that home, of the Howard Major works.

MR. ANTHONY BAKER: Good morning. My name is Anthony Baker and I'm the third owner of this property on Clarke Avenue. I'd like to also say that my grandfather was Charles Munn, who is the last surviving family member of the Mizner designed house up on North County Road, and my grandmother, Mrs. Georgette Baker's first house that she rebuilt that burned down in 1939 was done by John Volk, one of his first commissions in Tallahassee. I designed the bank recently for US Trust in Naples, Florida, and I have no contention or problem with Howard Major, as such. I think we know Howard Major, and he is listed in this new book that I've just come out with called, Long Island Country Houses and Their Architects, 1860 though 1940. Howard Major was not as well known here in Palm Beach as he was in Long Island and in other places, but he does have a definite place here. The

problem is this. Major's house that he designed for Mr. Howes in 1934 was fine until in the 1940's they decided to add an addition on the back which included Mr. Howes' office and three maids' rooms and a three car garage. At that time, Mr. Howes was not pleased with Howard Major because Howard Major was a very difficult architect, always in constant conflict with his clients. Oh, and by the way, for you, Mr. Smith, I am Pauline Boardman's brother. So, anyway, the problem was that they decided to use Mr. Volk to add the addition, and Volk did as he was asked, but what Volk added was a great deal different than the main house. And the one side, particularly, was done in wood, with a bunch of arch windows, which has nothing to do with the other style of the house, and on the other side, on the office side, instead of having variegated quoins on the corners, he had them stacked. I invited Tim Frank and Mrs. Day to visit this and show them that for this reason, the purity of the house of Howard Major had been changed or altered somewhat dramatically. Therefore, it's not really...if it had been standing by itself and they hadn't added that to it, there would be no contest, but because of this, I feel that the house really doesn't deserve to be, in a pure sense of the word, landmarked for that purpose. I don't want to keep you here all day, but that's about what I have to say. I have pictures of that, but...do you want me to say anything else...and that's all I have to tell you about.

MR. ROBERTSON: Why are you opposed to having the house landmarked?

MR. BAKER: Because, as I explained to you, it isn't a pure situation. You have two architects, and one has made his own statement in the back, and if you were doing Volk on one side, that would be fine, or Howard Major, but unfortunately, they are connected, and it's really a combination. What Volk did, and Volk was a very good representable architect of Palm Beach, and did a good job in his own style, but what architects frequently do is, they put their own statement on the situation. That's what he did. We have a hip roof, as Mrs. Day explained, on the entire house. The roof over the garage isn't hip. It's a flat roof on top, and there's a whole bunch of changes he did, and therefore, because of that, it isn't technically a contiguous piece of constant architecture. Therefore, if it hadn't been for this addition, there would have been no problem to landmark.

MR. SMITH: So, Mr. Baker, the only reason you're opposed to this is because you feel Mr. Volk's work and Mr. Major's work do not coincide with each other?

MR. BAKER: Not as well as they should.

MR. SMITH: That is your only contention. I have seen the house, and it's true, there is a distinction of the two architects, and how they interpreted the property, but I don't see that as an overwhelming factor why this house should not be landmarked. I think it's an excellent tool to study the two architects and how they played off each other's design, or how Mr. Volk played off Mr. Major's design. I think we need more information why you don't want to be landmarked other than just the fact that you didn't think Mr. Volk's complemented Mr. Major's.

MR. BAKER: Well, if you're landmarking something, it should be a pure entity of work.

MR. SMITH: No, that's not true. We've landmarked projects where...I think Concha Marina had at least seven architects that worked on that project before it was landmarked, more architects than worked on the White House. So, I don't think that that's one of our criteria, that only one architect did it, and it's a pure example of what that architect did or let's say architect unknown. Nothing's pure that's of an age of fifty years or older. I think everything changes through time, and it's how time has changed a particular piece of property that is interesting for future generations to study.

Mr. Baker and Mr. Smith continued in their discussion relative to having more than one architect's work evident at the site.

MRS. DAY: I would just like to say one more thing. First of all, I'd like to thank Mr. Baker for inviting Mr. Frank and I to the site. That was very helpful and as a matter of fact, subjectively on one part, I thought that the flat roof over the office addition was kind of strange also. I've seen a lot of houses by a lot of architects in Palm Beach, so I went back to the original source, and I looked at John Volk's plans, and in fact, that office was there before Volk added the addition. And what he was asked to do by Mr. Howes was to adapt that office, make a connecting walkway between the house, because Mr. Howes had to go from the kitchen, outside, to go to his office. So, the wooden walkway was added by Volk. The reason he did not put another style roof over that office was so that the staff quarters, which are in the garage, could have an exterior view of the property and wouldn't be walled in. He makes those notes on his plans. He also, interestingly enough, sets up the workings of the office, where furniture should be placed, where filing cabinets should be. He took a lot of time and detail. He was friendly with the Howes. And I think if you go back and study the plans of both architects, you see, as Mr. Smith said, how one played on another and made the house more liveable for the owners.

Ms. Meyer referred to the last two pages of the reports, the photos, pointing out the different use of quoins by Major and Volk. She felt the Volk addition was substantial and was not done with Major's design in mind. She commented that criterion (c) was not satisfied as Volk's alterations clash with the Major design. She likewise felt that criterion (d) was not satisfied as it is the work product of two architects, but one that is not distinctive of either. Ms. Meyer offered a compromise, however, if the LPC was compelled to landmark the property, that being a facade easement of the north facade, thereby preserving the Major architecture.

Commission commentary:

Mr. Robertson: Does not feel that the fact that more than one architect worked at the house prevents it from being eligible for landmarking. Feels that the property should be landmarked.

Mr. Hoffman: Agrees with the facade easement compromise.

Mr. Pandula: Facade easement is a good compromise. As principle, altered properties are still eligible for landmarking.

Mr. Silverman: In favor of landmarking.

Ms. Shields: Has no problem with landmarking the property, but the facade easement is a welcome compromise.

Mrs. Wilkey: Facade easement is appropriate.

Mr. Smith: Is always in favor of compromise, but suggested that the east facade (done by Howard Major) be included in the landmarked areas as well.

Ms. Meyer stated that her client prefers the north facade only to be included in the facade easement. Mrs. Day commented that if any one facade is designated, the owner may not be entitled to the tax abatement benefits, recently available. Ms. Meyer stated that her client is not concerned about the tax abatement.

MOTION BY MR. ROBERTSON THAT 150 CLARKE AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. SILVERMAN.

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

MOTION FAILED: 3-4-0.

MOTION BY MR. PANDULA THAT A PORTION OF 150 CLARKE AVENUE BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK, **THAT PORTION BEING ONLY THE NORTH FACADE, WITH THE PROVISO THAT A RECORDABLE FACADE EASEMENT BE WRITTEN AND RECORDED, AND THAT THE JURISDICTION OF THE ENTIRE HOUSE REMAINS WITH THE LANDMARKS PRESERVATION COMMISSION,** AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. HOFFMAN.

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

MOTION CARRIED: 5-2-0

ITEM 2: 9 GOLF ROAD
Owner: Mr. Samuel & Ms. Ella Scher

CALL FOR DECLARATION OF EXPARTE COMMUNICATION: None declared.

Mr. Frank stated that proof of publication and proper legal service had been achieved relative to this hearing. 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.

(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: 9 Golf Road is one of a group of properties that we've considered this landmark season, and this one is a little bit different than other things that I've brought forward to you. It's closely connected with its

neighboring house, 10 Golf Road. If you'll remember, when Marion ~~Shims~~ Sims Wyeth designed this subdivision on Golf Road, he allowed for expansion to the properties because of lots that were to the east of each of the houses. #10 Golf Road was bought by George Nicolai and built in 1922. #9 is a result of that extra piece of property that was connected to #10. Mr. Nicolai sold that piece of property to his sister, Mrs. Stairs, and in the late 1920s, Mrs. Stairs commissioned Clarke Lawrence to build the house that you see before you. They are almost on a zero lot line, if you look at the properties. Again, this is a Monterey style house, but different from the one I just showed you that had British Colonial and Creole influences. This goes back to the classical Spanish influence...the cantilevered balcony over the front entranceway is the same...here it's covered with bougainvillea...but the roof is quite different. It's the barrel roof on this house, that's hip style, that makes it compatible with the other Mediterranean Revival style properties on Golf Road. As such, it's a good example not only of the Monterey style, but also how Clarke Lawrence adapted that style to other properties that were already in place on Golf Road. Any questions about the report?

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

Mr. Robertson noted that the owner had sent a letter to the Town, and Mr. Frank read same into the record. Within the letter, the owners indicate their support of the landmark designation.

MOTION BY MR. ROBERTSON TO RECOMMEND THAT 9 GOLF ROAD BE RECOMMENDED TO THE TOWN COUNCIL 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 MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

ITEM 3: 14 GOLF ROAD
Owner: Mr. Clark E. & Ms. Patricia M. Graebner

CALL FOR DECLARATION OF EXPARTE COMMUNICATION: None declared

Mr. Frank stated that proof of publication and proper legal service had been obtained with regard to this hearing. Mr. Frank offered the staff recommendation that this property meets the following criteria for landmark 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: Sometimes when I give a lecture, I like to say that building is a verb as well as a noun, and certainly you can see that on Golf Road. #14 Golf Road is a Mediterranean Revival style house, but it was originally connected to #16 Golf Road. I think it's important to bring that to your attention because I think that one of the things that you as Landmark commissioners need to keep in your current vocabulary is that just because something

is a landmark in the Town of Palm Beach doesn't mean that it can't adapt to future owners. This is certainly a good example that we're bringing this forward now and saying it's still a landmark. #16 Golf Road was built for Clarence Geist who goes on to do part of the development of the Boca Ratone Hotel and Club. It was originally designed by Marion Shims Wyeth. Wyeth added an addition onto it in 1927. The first building record for #14, within the Town, is in 1948, and at that time it was Belford Shoumate that was hired by the new owners to adapt it as a single family residence and separate it from the house that's next door to it. It has very good design characteristics of the Mediterranean Revival style, the gable roof with the cap by the tile work, double hung sash and casement windows, and this very lovely entrance way surrounded by cast stone detailing. And really the ambiance of the street goes along with this house. It's a good example of how the street was developed and why. It's a good example of the Mediterranean Revival style, and as Mr. Frank said, of both the works of Marion Shims Wyeth and how those were adapted by Belford Shoumate. Are there any questions about the report?

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

Mr. Smith noted, absent the owners, that it is his understanding that the owners are in favor of the landmarking, and this is substantiated by the fact that the Graebners are also proposing another of their properties for consideration as a landmark.

MOTION BY MR. PANDULA TO RECOMMEND THAT 14 GOLF ROAD BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

ITEM 4: 277 PENDLETON AVENUE
Owner: Mr. and Mrs. Ronald D. Royal

CALL FOR DECLARATION OF EXPARTE COMMUNICATION: None declared

Mr. Frank stated that proof of publication and proper legal service were obtained with respect to this hearing. He noted, for the record, that the owner is in favor of this designation.

MRS. JANE DAY: 277 Pendleton Avenue is a little bit different than the things we just looked at on Golf Road. First of all, it was built in the 1930s. The Boom had failed. Things were different in Palm Beach than they were in the 1920s. And there were streets in Town that were built and developed by local builders. In this case, Arnold Construction Company contacted a number of well known architects, in this case John Volk, to put up houses on speculation on Pendleton Avenue. This was done in 1936. It's a Colonial Revival style house with a hip roof, six over six double hung sash windows, recessed entryway. It's in very much the same shape as it was when the house was built. Mainly the building permits show that the most of what was done to it was upkeep on the property. Again, I've been inside this house. It's in very good shape inside, the interior as well as the exterior. It's a good example of Volk's work in the 1930s and of this style. It deserves landmarking under criterion (a) that it represents what happened in Palm Beach during the Depression years of the 1930s. It's a good representative of the Colonial Revival style and also of John Volk's work. Are there any questions about the Designation Report?

MOTION BY MS. SHIELDS THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.
MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

As this designation was proposed by the property owner...

MOTION BY MR. SILVERMAN THAT 277 PENDLETON AVENUE BE RECOMMENDED TO THE TOWN COUNCIL 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.

ITEM 5: SANFORD AVENUE SCENIC VISTA

Owners: Carolyn H. Ross, AG & E Associates Inc., Daniel & Suzanne Mahoney, Frank & Jeanne Habicht, David & Mary Pressly, Donna G. Keller, Mary B. Foley, Michael & Susan Kirkpatrick, Michael & Sue Strickland, Patricia Dean, Jeffery W. Smith, Carolyn Marston c/o Robert Deziel, John R. III & Noreen Drexel, Peter Broberg TR of Two 57 Sanford Ave Trust, Jehu & Patricia Cooper, Theodore & Beverly Reiss, Peter & Maury Wolfe, Robert J. Jacobson TR HLDR, Doris R. Corya Trust TI HLDR, Samuel R. III & Judith K. Robinson Et Al TRS

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Pandula had a telephone call from Mr. Pressly. Mr. Smith spoke to Maura Wolfe and David Pressly and Polly Earl. Mr. Robertson drove along the street.

Mr. Frank stated that proof of publication and proper legal service were obtained with regard to this hearing. Let the record show that Mrs. Delp administered the oath to all persons who stood at the time when witnesses were called. Mr. Frank stated that this vista meets the following criteria for landmark designation:

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

(e) Constitutes a unique area of architecture, landscaping and planning

MRS. JANE DAY: The Sanford Avenue Historic Vista is a two lane residential street in the Town of Palm Beach. The street runs from east to west and is perpendicular to North County Road. One of the things that is important, perhaps the most important thing about this street is the double row of Royal Palms that line either side of the street and create an important landscape feature with the Town. Since 1929, the Town has had a history of looking at and making recommendations to the Town Council about landscaping and streetscaping within the Town of Palm Beach. This was done in 1929 by the Womens' Club that was later adapted by the Town Council. The street on Sanford Avenue, the earliest records that we have of a street being here at all, goes to 1902, when Irving Hoagland sold the tract of land known as the amended plat of the Miramar Plan to Louisa S. Clarke. This particular piece of land went through the process of being transferred from owner to owner, and finally, one parcel was sold to E. B. Walton on June 27, 1940. This was platted as Walton's Addition. Part of Walton's Addition included Sanford Avenue. He originally contracted with Wyeth and King to design a residence on Sanford in 1940, and after that, other important architects in Town, Howard Chilton, Treanor and Fatio, and Wyeth and King designed houses on the property. Although we contacted the town forester who said that by his best estimate, the trees were from the 1960s, there is a historic photo of the street on an aerial that shows that there was, in fact, a treescaped vista as early as 1935 on this plot. Don Curl believes that it was part of the Sanford Estate, Los Incas, and that it really was the vista that went from the estate onto Lake Worth. Are there any questions about the report?

MR. SMITH: I would like to correct the report where it says that the trees were planted in the 1960s. I would refer to the statement that you just made...

MRS. DAY: About the aerial photograph from 1935. Fine. We'll change that..

MR. ROBERTSON: Well, who owns the land where these trees are planted?

MRS. DAY: Individual property owners, and I believe many of them are here this morning.

MR. ROBERTSON: Do we know what their positions are on this?

MRS. DAY: I think they're going to tell you.

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

Mr. Frank read several letters into the record from some of the affected property owners wherein they state their objection to the proposed landmark designation. These letters are on file.

MR. DAVID PRESSLY: Good morning. My name is David Pressly. I reside at 210 Sanford Avenue. I'm here as a homeowner and as an attorney for several of the homeowners, although based on what I'm being paid, I guess I'm here more as a homeowner as it turned out. As I'm sure you're already aware, it's my understanding from talking to the Town that there are three current scenic vistas. The vista before you today is completely different from those three. The other three are for trees that are on public right of ways on trees that are owned by the Town. What you have before you today is a scenic vista for trees on our property that we own, and that is a major distinction. Within one-half mile of our property, you already have a scenic vista for royal palms. Within another mile...less than a mile and a half of our property, you have another scenic vista for royal palms already in place. These are on two public thoroughfares visible to everybody. If the Town thinks that they need more scenic vistas, you can create them, but create them on public rights of way, and we'll contribute just like any other homeowner in Town. Now, as you know, from your report, there are twenty homeowners on Sanford Avenue. I have been in contact with 14 of the homeowners. One homeowner is in favor of it . Thirteen have opposed it, and they have given you written objections to that. So, all I've heard today is that 13 out of the 14 homeowners oppose this designation. Now, obviously, that's not the only thing this board looks at. A lot of times you approve things over objections, but I hope that you keep in mind our strong opposition to this landmarking when you examine the criteria you are using for landmarking these trees. An d I want to correct one item that's in this designation report that's before you today. They quoted to you different criteria for why these trees are appropriate for landmarking. These are not the correct criteria. They quoted criteria from a historical district. That's a much easier burden on the Town to show. This is not an historic district. That's defined in the Code as an area that already contains landmarks or landmark sites or is adjacent to that. That is not our situation. This is a straight landmarking situation and by the Code you can only consider the landmark criteria that are in the Code, and there are only four of them. And I wish you would, when you look at those criteria, apply them to the very facts that you have before you in this report called this Designation Report. That's what was disseminated to the public. That's what we have knowledge of and it's your own report. What that report shows is that you don't know who the landscape architect was; you don't know who planted these trees; you don't know why they were planted; and in fact, you don't even know when they were planted. When this designation came before the board, for all you know, these trees were planted in the mid 1960s., and I quote right from your report, "It is not known when or who was responsible for the royal palm landscaping, but the estimate of the age of the trees puts the planning in the early to mid 1960s. When you apply what you have in this report to the criteria for a landmark, you're not even close, if you look at those criteria. And

that's the reason I pointed out the strong opposition of the landowners. You have a tremendous amount of power sitting up there, and if it's used right, it's a great thing for the Town, but before you impose burdens on the landowners, when they oppose it, I hope that you are dead certain that you are complying with the Code, and that you can legitimize that by explaining exactly how we come under these criteria, because that's what we're going to expect. Thank you.

MR. SMITH: Mr. Pressly, I heard a lot of talk, but I didn't hear why you and your group of residents are opposing the landmarking.

MR. PRESSLY: Well, the major reason is we're not a landmark and we don't want you to impose it. That's the major reason. We don't fall within your Code.

MR. SMITH: That's not true, but...

MR. PRESSLY: That is true. Look at the four designations. I explained why you didn't. You don't even know who planted these trees or why they were planted. That's two of the criteria actually. And the one you're basing it on is that it shows the cultural and economic history of the Town of Palm Beach. Royal palms...you didn't even know when they were planted, or who planted them or why, and you're going to sit here and tell these landowners that you're going to restrict their property because it represents the cultural history and the economic history of the Town of Palm Beach.

MR. SMITH: What is the restriction?

MR. PRESSLY: There are a lot of restrictions. Number one, if a tree is destroyed, we have to come out of our own pocket and replace them. We might do that anyway, but we don't want the Town to tell us to do that. If it becomes a safety hazard, we want to act just like any other landowner without coming back to the Town for permission to deal with our property. It's our property. We own it. We want to be just like the other homeowners. And we do not want extra Town restrictions. We have lived there fine for many years with out this, and I'm just saying that before you impose these restrictions, you've got to come under ordinance, and you've got to be able to explain to us how these trees represent the economic and social history of the Town of Palm Beach, when you thought they were planted in the 1960s, when this thing came before you.

MR. SMITH: I think that there was a mistake in the report, and I think that was brought to the attention...

MR. PRESSLY: Right. Well we've never seen any photograph. I don't know what that photograph shows. You still don't know who planted them or why. And you have no idea what this guy was using these trees for on his property. That estate is gone now. Los Incas took away the estate. There's not even a vista of the lake. You can't even see the lake from Sanford anymore. There are twenty homes, if I can finish, there are twenty homes built on Sanford. That guy's back yard is gone. It has no historical significance other than the fact, if I can finish, a few of the members like what the trees look like and that's not a basis for imposing a landmark designation on us.

MR. SILVERMAN: Are you afraid of increased traffic?

MR. PRESSLY: That's one of the reasons. But the fact is it doesn't satisfy the Code. We're doing fine there without you guys coming in and putting more restrictions on us. Traffic would be one of the reasons. There are kids all over the street. You have two public vistas already for royal palms less than a mile and a half from Sanford.

MR. SMITH: Thank you. Anyone else in the audience who would like to speak?

Mrs. Polly Earl, Director of the Preservation Foundation, addressed Mr. Pressly's remarks relative to a suggested inappropriate use of criterion (e) with regard to this designation. She referred to her copy of the Landmark Ordinance, and read criterion (e) again for the record. Mr. Randolph stated, however, that the notice, as mailed, was to designate a scenic vista. Likewise, notice was not given that this area was to be considered as a historic district, where criterion (e) would be used appropriately. Therefore, Mr. Randolph advised that only criteria (a), (b), (c) and (d) are appropriate. Mrs. Earl commented further that any measure to protect the beautiful areas of the Town is "a good thing." The presence of trees here in the Town makes an enormous difference, and protection of these resources is good for all. The Town does have other scenic vistas and many landmarks. Concerns about increased traffic really need to be put to rest as the Town has much experience with landmarks and landmarked vistas.

Public Comment as follows:
Mike Strickland: (239 Sanford Avenue) He agreed with Mr. Pressly relative to private property rights and traffic concerns. He is worried about the potential damage which would be caused to the houses and properties on the street should a tree fall due to a hurricane. Should damage occur, it would make no sense to have to replace the trees. If the trees become diseased, the replacement of the trees would present a significant financial burden to the owners.

Judith K. Robinson: (393 North Lake Way) Opposed to the designation for the aforementioned reasons.

Frank Habicht: (209 Sanford Avenue) Objected to the designation due to the large number of small children on the street. He felt there was a great liability with the trees with respect to falling limbs. He also did not want to have to ask permission to trim the trees, if they were landmarked. He was concerned about the affect of the designation on the other parts of his property.

Mr. Moore informed Mr. Habicht that the property owner would not have to come the LPC in order to trim the trees.

Park Miller: (240 Sanford Avenue, husband of Patty Dean) Opposed to the designation. One of the limbs of these trees fell through his car window and did quite a bit of damage.

Commission Comment as follows:
Mr. Robertson: Felt that the Town Council would not ratify a decision to designate the vista, and was concerned that 20 property owners are affected by this designation.

Mr. Smith: Eight of the trees along the street are missing now and should be replaced.

Mr. Moore: Replacement of the trees is the owner's responsibility.

Mr. Randolph: This designation is broader than an historic tree designation, as the vista designation affects each of the properties involved.

Ms. Shields: Questioned whether there was anything to preclude an owner from replacing a tree in the same location as they currently exist due to setback requirements, for example.

Mr. Hoffman: Was concerned over Mr. Habicht's comment regarding the impact to the rest of his property.

Mr. Moore: The vista designation would not impose restrictions on his hedges or back yard.

Mr. Moore: Knew of nothing to preclude an owner from replacing the tree in the existing location.

Mr. Silverman: For all the reasons stated, he felt it was undemocratic to force this designation on these property owners.

Mr. Pandula: Did not feel that traffic was an issue, and felt that liability with the trees is the same whether they are landmarked or not. Regardless of how the trees got there, the result is that Sanford Avenue is one of the prettiest trees in Town.

MOTION BY MR. PANDULA TO RECOMMEND THAT THE SANFORD AVENUE SCENIC VISTA 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.

MR. SMITH PASSED THE GAVEL AND SECONDED THE MOTION.

Mr. Robertson said he was troubled, as a lawyer, due to Mr. Randolph's opinion that the landmarking of the trees would be an "affliction on the title of property." Mr. Smith stated that someone took great concern to plant these trees, before the subdivision was created, and the beauty of the street should be preserved for the future. He did not give credence to the presented hardship of financial burden placed upon the owners should the trees need to be replaced.

Mr. Park Miller noted that Mr. Smith was a Sanford Avenue resident as well as the LPC Chairman, and stated he was offended by this process and the fact that the residents were not contacted by Mr. Smith, personally, regarding this matter. Mr. Smith responded that notices of this designation were sent to the property owners over six months ago, and that fact was substantiated by Mr. Frank who referred to the file copy of those letters. Mr. Pressly asked that if a motion is made to designate the vista, that the specific designation criteria which is deemed applicable be quoted in the motion. Mrs. Doris Corya (280 Sanford Avenue) speculated that these trees cost $10,000 each, and this is certainly a financial burden. Ms. Mary Foley (232 Sanford Avenue) questioned the LPC's authority to designate the vista by the ordinance. Ms. Maury Wolfe (272 Sanford Avenue) brought up the issue of liability, as she had two of her trees fall down. She stated that the trees have a very shallow root system. As she has had her homeowner's insurance canceled and has had difficulty replacing it, she questioned whether there might be further hardship to the property owners relative to jeopardizing their homeowners' insurance.

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

MOTION FAILED: 3-4-0

Mr. Randolph stated that he was informed by Attorney Robert Deziel, present in the Chambers, that the encroachment to title of a property is affected in a similar way for a historic tree designation as it would be for this vista designation. This would contradict Mr. Randolph's earlier comment, and he mentioned this to be sure that his comment did not affect the prior vote one way or the other.

ITEM 6: 150A AUSTRALIAN AVENUE (Reconsideration of current landmark designation)
Owner: Quilty Properties, Inc.

Let the record show that a court reporter, Ms. Jane Pastore, was present on behalf of Quilty Properties. The following is a verbatim record of this hearing as transcribed by Mrs. Delp, Landmarks Preservation Commission secretary.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Wilkey -drove by the property. Ms. Shields-drove by the property. Mr. Smith - drove by the property and spoke to Mrs. Polly Earl. Mr. Hoffman - drove by the property and met with Mr. Frank. Mr. Robertson - visited the property and discussed it with Tim Frank.

Mrs. Delp indicated that proof of publication and proper legal service had been achieved with respect to this hearing.

ATTORNEY JAMES R. BRINDELL: I'm Jim Brindell with the law firm of Gunster Yoakley Valdes Fauli & Stewart. I'm here on behalf of Quilty Properties, the president of which is Dimitri Nabokov, who is the owner of the property at 150A Australian Avenue here in the Town of Palm Beach. This, I suppose, is a little bit of an unusual proceeding, but I need to give you a little background so you understand why we're here, and then we'll get into some of the substantive issues that we think are pertinent here. To start with that, I'd like to introduce some exhibits that we'll be using into the record. I know that the April 15, 1992 Designation Report by the Town is, I assume, already in the record, so I assume I don't have to put that back in the record since it was one of the bases for the designation in the first place. But I'd like to designate that as Exhibit A, our property owner's Exhibit A. Exhibit B, I believe you all have a copy of this De-Designation Report. I'd like to designate that as Property Owner's Exhibit B, and it has several exhibits in that, Exhibit A is a bio of Charles Harrison Pawley, who is here today. Exhibit B is a letter dated February 14, 1992 from Tim Frank to the Estate of Bob Barrymore c/o June Barrymore, who, in fact, are the prior owners of this property. Exhibit C under that exhibit is a record from the Town showing that on July 17, 1991, ownership verified by phone by cmp to county. Exhibit D under that one is a copy of the warranty deed dated February 14, 1992 by June Barrymore to Quilty Properties. Exhibit E is a letter dated March 10, 1992 from Tim Frank to the Estate of Bob Barrymore c/o June Barrymore indicating that a public hearing has been scheduled for April 15, 1992 for designation. Exhibit F is a letter dated April 28, 1992 to the Estate of Bob Barrymore c/o Ms. June Barrymore from Tim Frank noting that designation was recommended by the Landmarks Commission on April 15, 1992. And finally, Exhibit G there in that group is the Town Council Minutes of the meeting held June 9, 1992 at which the Designation Report of the Town was taken up. And that would be Exhibit B. Exhibit C is a copy of an article which was referenced in the Designation Report. It's an article that appeared in the Palm Beach Post on October 18, 1921 labeled "Geer to Erect New Bungalow in Royal Park.," and I'd like to have that accepted as Exhibit C. Is that acceptable, Mr. Chairman?

MR. SMITH: Yes.

MR. BRINDELL: Some of you indicated you had been by the property, and I appreciate you doing that and I think that's helpful in this case. Inside the De-Designation Report there is a , on Page 2, a little plot map, and you can see that this property is somewhat L-shaped and it has three structures on it. One is this bungalow in front. There's a little cabin behind it, and then off to the west, there is this L-shaped apartment building with four units in it. Immediately next door to that to the west is the city parking lot for the police station. Of course, it's my understanding, and I'd like to know if I'm thinking about this correctly, that when the Designation Report was done originally, the only thing that was really addressed was the bungalow. The other two properties were not discussed, although the whole property was designated, they really did not appear to be the object of the designation process. Am I correct about that?

MR. FRANK: Yes, except you referred to the other two properties. I think you meant the other two structures.

MR. BRINDELL: I mean the other two structures on the property. Yes.

MR. FRANK: Yes, the bungalow which, bungalow in this case is a generic term...a frame vernacular house , at the front of the property was the only structure that was addressed in the report. That is correct.

MR. ROBERTSON: I have a question for Mr. Randolph, in that connection. Could the Commission have just landmarked the bungalow and left the rest of the property out of it?

MR. RANDOLPH: Yes.

MR. BRINDELL: The difficulty, though, I want to bring up about that is that this little bungalow is sort of fixed on the front half of the property. This is a single family R-B District lot. So, what's on there now is non-conforming. None of the buildings are in particularly good shape, I would say. A future owner would have some real difficulty, it seems to me, building a single family home on this lot around this bungalow. So, I want you to keep that in mind too. I think there's a practical problem here with the way this...the bungalow is not really reflective of size of the lot in terms of what you would normally think. It's not a normal size house on the lot. It's just on a little piece of the lot. There's a little background. The property was placed on the list of structures as under consideration June 21, 1991, and as I said earlier, ownership was verified by the Town on July 17, 1991. Several months later, on February 14, 1992, Quilty Properties purchased the property and became the owner. The warranty deed was actually recorded on February 26, 1992. On March 10, 1992, the Town sent a notice of the designation hearing to the prior owner, in essence. The Landmarks Commission then took it up on April 15th. Our client, the owner, never appeared because they didn't know it was being designated. And on June 9, the Town Council ratified it. Again, our client never knew it was even in that move. Now, your landmarks code says that the notice of proposed designation is to be sent by certified mail to the owner of record. Then you have another section, 16-34, which defines owner of record as that reflected on the current Palm Beach County tax roll. Now, I'm not asking you to deliberate this issue, but I want to put it on the record, and I want you just to understand it, and then I'll move on because it's really a legal issue. And that is, had the Town checked with the County Clerk's office, they could have determined the owners of the property. Now, I'm assuming that they did what the Ordinance said to do, which was look for the current Palm Beach County tax roll, which at that time, if I understand it correctly, would have come out in November of 1991, several months before this transaction took place and before the hearing occurred. The result is that our owner never got notice, never appeared at the hearing, never came and presented any testimony, never had a consultant look at the property and make a determination about whether they thought it was, in fact, subject to being landmarked under your criteria or anything like that. Now the burden is on the owner to not only resist designation...that's what they would have been doing had they been here at the time of the hearing, but now to overcome the 1992 action by this commission and the Town Council on an issue which these bodies previously adjudicated, I'm sure in good faith, to designate the property. That's a very tough burden for the property owner. It's also a tough position for you and the Town Council, now that you've already acted on it. So, I want you to keep that in mind. This is not quite the same posture as if this were up for designation, and we were coming here and you were listening to it anew in making this kind of, I'll say, impartial determination. This is the second time around here, and the burden is really on us, and we never had a chance to be here in the first place. So, that's a problem. For whatever it's worth, for your city attorney, I think you have a problem with your code, in my opinion. When it is possible to find who the real owners of property are, it seems to me that's what you are supposed to do, when you're going to do something to somebody's property in terms of imposing restrictions. We all know that the most significant restriction you place by designating a property is you don't allow people to demolish their property without your approval, and that is a very, very significant power in terms of the ownership rights in that bundle of whatever we consider to be ownership rights to a piece of property. So I really think you need to look at that, and I think that's a problem. I don't think it meets the constitutional requirements for due process. If the

tax roll were the only way to get some evidence, that would be one thing, but clearly it isn't.

MR. ROBERTSON: Well now, are you raising that as a legal issue before this commission?

MR. BRINDELL: I have raised that before in a letter to the Town, and the Town attorney advised that, you know, the code is what it is, in essence, and they did what the code said to do, and that the only route for us was to file an application for de-designation. So, I'm just saying I'm not asking you to adjudicate it, but I want it on the record...I think it's a serious problem. In my view it is, because I don't think due process was met here.

MR. ROBERTSON: Well, why are you coming here five years later.?

MR. BRINDELL: Because that's when the client came to me and said...

MR. ROBERTSON: Have you ever heard of the Statute of Limitations?

MR. BRINDELL: Well, maybe that's an argument. I'm just here representing my client.

MR. ROBERTSON: I know. And I'm here asking you, as a lawyer, why you're coming in here five years later. Why didn't you come in a year later? Why didn't he come in...when did he learn it was landmarked?

MR. BRINDELL: He came to me last fall, and told me that he had discovered in the process of trying to sell the property that the whole property had been landmarked.

MR. ROBERTSON: Well, maybe if he paid a little bit more attention to the property, Mr. Brindell, it would have been in a better condition. He just let it go downhill for five years. It's a disgrace. I think that building inspection office here ought to be told to look at this property. Have you looked at the debris that's on the front wall, the old air conditioner that's sitting up there on the front, and the other things that are on the side? I mean I don't think it's been painted in years. I think he's got a lot of nerve to come in here when this property's in such deplorable condition. We've got an investor from Dade County who bought this thing in '92, I guess on a speculation. Now he wants to do something with it and he suddenly wakes up to the fact that it's landmarked. I don't have any sympathy for him.

MR. BRINDELL: Well, that's helpful. That is helpful actually. Thank you. Anybody else have the same feeling?

MR. ROBERTSON: You know where I stand.

MR. BRINDELL: Mrs. Wilkey, you're indicating you have the same feeling.

MRS. WILKEY: Yes.

MR. BRINDELL: Anybody else?

MR. RANDOLPH: Let's...I think before we hear any other comments, let's hear the presentation.

MR. BRINDELL: Alright. I'd like to have Charles Harrison Pawley come forward to testify about the property in terms of the designation criteria that were apparently used according to your report to designate this property.

*Let the record show that Mr. Zukov left the meeting at this time, 11:40 a.m.

MR. BRINDELL: If you would, Mr. Pawley. Have you been...

MR. CHARLES HARRISON PAWLEY: I'm Charles Harrison Pawley.

MR. BRINDELL: Have you been sworn, Mr. Pawley?

MR. PAWLEY: Yes, I have. Charles Harrison Pawley, Architect.

MR. BRINDELL: I am not going to...you met Mr. Pawley a month ago...I'm not going to go through and belabor his credentials. Yes, Mr. Smith., like Mr...

MR. SMITH: There are some new members...

MR. BRINDELL: Oh, O.K.

MR. ROBERTSON: You did a great job then.

MR. BRINDELL: Than k you. I will go through his credentials briefly again. They are in here as Exhibit A in the De-designation Report. He is a fellow of the American Institute of Architects. He formed his own firm in 1968. He's been in the field of architecture for thirty-five years. He is an officer..has been an officer and director of the South Florida chapter of the AIA, serving as its former president. He's been active in historic preservation matters in Dade County, particularly the Art Deco district and the saving of the Biltmore Hotel in Coral Gables. He is currently and has been for some twelve years a member, and is a two term past president of the Foundation of Via Vizcaya Board of Directors. And he is a founding member and the first chairman of the Dade County Historic Preservation Board. He does not have a university degree in architecture, as neither did Mr. Mizner, who was famous in this Town, or Frank Lloyd Wright either, and a number of other fine architects, just so Mr. Smith won't have to ask that question again, because he likes to ask. Mr. Pawley, did I ask you to look at this property and give me an opinion as to what you thought about it in terms of the designation report that had been adopted in 1992.

MR. PAWLEY: You didn't give me any direction. You just asked me to look at it, and tell me what I thought about it.

MR. BRINDELL: Tell me what you thought about it.

MR. PAWLEY: Yes, that's correct.

MR. BRINDELL: I didn't ask you to build a case for or against it.

MR. PAWLEY: No, you didn't.

MR. BRINDELL: Have you examined the property?

MR. PAWLEY: Yes, I have.

MR. BRINDELL: On more than one occasion?

MR. PAWLEY: Four times.

MR. BRINDELL: Four times. And you examined it inside and out?

MR. PAWLEY: Inside and out.

MR. BRINDELL: O.K. Is it your opinion that this property does not qualify for designation under the criteria that were used in 1992?

MR. PAWLEY: Yes, it is.

MR. BRINDELL: Now, I want to take you through several statements that were made in the Designation Report of April 15, 1992, and have you address them. The Designation Report of 1992, Page 4 says " as it stands, the structure retains original materials and design characteristics inherent in the bungalow system.

MR. PAWLEY: I don't think it does at all. It's not a bungalow style, and I think the term "vernacular" frame, I've forgotten exactly what you call that,

MR. FRANK: Frame vernacular.

MR. PAWLEY: ...frame vernacular is a better description of the...bungalow is just a word...it's sort of like Kleenex, you know. So...

MR. FRANK: Mr. Brindell has been using the term, so.

MR. PAWLEY: Well, I think it was in your report. That's why we used it.

MR. FRANK: Yes, that's right. We generically called it a bungalow, but it's really a frame vernacular.

MR. BRINDELL: Well, the question is, does it...is it... does it have characteristics of design materials inherent in the bungalow system?

MR. PAWLEY: No, it does not.

MR. BRINDELL: Next the report said, "the specific design features provide extensive shade from the sun." Does it do that?

MR. PAWLEY: No, it does not.

MR. BRINDELL: "And has means of ventilation" Does it have any ventilation?

MR. PAWLEY: Yes, it has means, but not very different from most other frame construction or most other construction where you want to ventilate the roof.

MR. BRINDELL: It says also "that the design is governed by an expansive broad double hipped roof with side gabled extensions."

MR. PAWLEY: Well, it 's covered by a roof, but the builder deliberately broke the pitch of the roof so the overhangs would not go out too far. The overhangs are no more than three feet. That is not an extensive overhang, and that is not typical of a vernacular style or a bungalow style, whatever you want to call it.

MR. BRINDELL: It appears that the original windows have been removed in the kitchen and replaced with awning windows, and removed at the back of the house and replaced with jalousies. Is that correct?

MR. PAWLEY: Yes.

MR. BRINDELL: Does that appear to be something that was done prior to 1992?

MR. PAWLEY: Oh, I would assume it was done because some of them are jalousie windows, so I think those were probably put in much earlier, and then the awning windows which came about later, were put in it probably was in the 60s, something like that. I'm not sure. But what you want to point out there is the reason they probably were taken out and replaced was that they rotted because they were not well protected, and so, when they put something else in, they put in the things that were available at that time, and didn't rebuild the casement windows that they had typically there.

MR. BRINDELL: Can you comment on the design quality of the beam systems in both the floor and the roof?

MR. PAWLEY: Well, the roof...I didn't get up into the attic so I cannot tell you, and the eaves are all covered, which is not typical either, but underneath the house ...well first of all, when I walked in to the house, I should have put a marble on it, but I didn't have one with me, but the floor of the house sags dramatically, and so I thought about that and I went back another time for an inspection and got under the house. I dressed a little differently that day, and about every four feet, there are CBS blocks holding up the floor framing of the house because it was inadequately designed, and if you didn't have those concrete blocks that are supporting it every four feet, the thing would collapse. There was some mention of Dade County pine. I mean they said maybe it was Dade County pine. Well, I can't tell you that it is or isn't, but I would venture to guess that if it had been out of Dade County pine, it wouldn't have those structural problems that you have in this house.

MR. BRINDELL: What about the siding on the house, the typical type of sheathing you would find on a bungalow style, and what you have here?

MR. PAWLEY: Well, wood frame houses, because they are put together with pieces, are prone to go out of the square, and the way you control that is to put diagonal bracing in, and later on when they got plywood, they would then nail up plywood to the sub-framing. Well, what these people did is they have a post and beam system, six by six columns, that they have put the covering in between the beams. There is no diagonal framing that I can see, and no way to truly support this house from ranking or twisting or moving. And that's one of the reasons that it's sagged and has some of the problems it has today. There is no question that the owner has not maintained the outside, you know the things that you saw around in the bushes and things. It has not been well maintained, but that has northing to do with the house and its structural problems. They are inherent with the way this was designed. It 's a very poor design, and is in no way, in my opinion, reminiscent of any vernacular well built vernacular house or bungalow.

MR. BRINDELL: On page 4 of the 1992 Designation Report, it is stated that the most prominent features of 150A Australian Avenue are the expansive roofline and the impressive wood beam system typical in wood bungalow construction. Is that accurate?

MR. PAWLEY: No, totally inaccurate. There isn't an expansive roofline, and second, there is no impressive wood...because they've covered up all the wood. They have ceilings inside the house, and then they have put, it looks like one by four or one by six covering over all the beams that stick out beyond the house. So you can't see. There is no wonderful wood design.

MR. BRINDELL: It says "the roof of the structure," this is the report again in 1992, "casts heavy shadows on the exterior elevations." Is that accurate?

MR. PAWLEY: It's totally inaccurate. Again, I've said the maximum overhang is three feet . There are some of them that I think are less. I didn't physically go out and measure them to the nearest inch, but...so my feeling is that the disintegration of the house, at least around the windows and things, is caused by not having the proper roof overhang, and not being properly protected from sun, wind and rain in South Florida. A vernacular house, and particularly one that is in a subtropical community should be designed for that community. This was not.

MR. BRINDELL: The Designation Report states that this house was touted as having some sort of super ventilation system. In fact, if you all look at the copy of the article I gave you out of the Palm Beach Post , which by the way I think if you read it, it's clear that (a) this was a spec house. There is no suggestion Mr. Geer lived in this house or was going to live in this house, and they were hyping this product, this "new product" here, and that one of the hypes is that it was some sort of superventilated system that this guy had invented. I'd like to know, Mr Pawley, if you found any evidence of some sort of unusual or super-ventilated system in this house.

MR. PAWLEY: If there is one, I just didn't find it. I saw the vents that they had in the roof overhangs on the outside. I saw the vents that they had up in the roof. I saw the louver system that they had there, which they tout as being one very specially designed so that water wouldn't get into the house. I've worked with a lot of louver systems. I didn't see anything extraordinary or wonderful about that one, and I could see up into the house so I believe if you had gotten a heavy rainstorm, it still might have leaked.

MR. BRINDELL: So, would you say that this is not a particularly well ventilated house?

MR. PAWLEY: No, I wouldn't say that. I would just say that it is not any more well ventilated than any other house of its type.

MR. BRINDELL: Nothing ex...nothing unusual about the ventilation system. The 1992 Designation Report says "in the west elevation, large brackets extend out from the wall surface supporting an extensive eave and pitched roof." Is that an accurate statement?

MR. PAWLEY: Someone might say that, but I don't think...it's not an extensive eave and they're not large brackets. So, I mean I think it's an inadequate..I mean, not properly stated statement.

MR. BRINDELL: Is it consistent or inconsistent with a good bungalow style?

MR. PAWLEY: You could have that in a bungalow style, but there's nothing unusual about it.

MR. BRINDELL: The Designation Report states that "the overall durability and condition of the bungalow seems to suggest the possible use of Dade County pine. I think you've already addressed that. Correct?

MR. PAWLEY: Yes.

MR. BRINDELL: O.K. What about the overall, just forgetting the pine part, what about the issue of the statement that the overall, that the overall durability and condition of the bungalow...does the design suggest that it was designed for overall durability.?

MR. PAWLEY: I think...I'm surprised that it's in as good condition as it is considering how it was designed. I think the floor system was under designed. That's obvious from the fact that it cannot self support itself , and they had spans up to fifteen feet or more and they have now broken those down to four foot spans. The roof overhangs are not adequate, and therefore, I think that's some of the reasons that the windows have been replaced. So, I think it's a terrible house. It would not be the only criteria that I know of for a vernacular bungalow style that Palm

Beach would want to put on their record and say this is a good example of vernacular style.

MR. BRINDELL: In your experience have you had an opportunity to examine hundreds of bungalows for purposes of designation?

MR. PAWLEY: Yes.

MR. BRINDELL: That was in your capacity in Dade County?

MR. PAWLEY: Well, when I was chairman of a commission much like yours, we hadn't designated anything. So, our first job was to look at everything in Dade County. Now, we had a wonderful staff that did all the leg work there, and then brought to us those buildings that qualified under the requirements of being old enough or of a certain style. And what was pointed out to us as a commission was don't designate it because it's old, designate it because it meets that criteria, but is also a very good example of that particular architectural style. I don't think this meets that criteria.

MR. BRINDELL: The 1992 Designation Report, Page 8, says that 150A Australian is one of only a few remaining examples of the bungalow or style of, I guess that means bungalow style of architecture in Palm Beach. Is it an example of the bungalow style, a good example?

MR. PAWLEY: I don't think it's a good example and I wouldn't...I'm not an expert on all the buildings you have here, but just driving down the street, I've seen some very handsome vernacular style wooden houses here. So I don't think, when they say it's one of the few, I don't think that's the case, but that's not my expertise.

MR. BRINDELL: But the designation...in the 1992 Designation report on Page 9, it is suggested that 150A ought to be designated because it embodies distinguishing characteristics of an architectural type. Does it embody distinguishing characteristics of the vernacular or bungalow style?

MR. PAWLEY: I think someone experimented with this house. I mean I think someone said, O.K., lets'do it a little differently. And in doing that, they actually made the house less durable, less structurally sound, and it definitely does not...is not a good example of the style that you're talking about.

MR. BRINDELL: Is it a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship?

MR. PAWLEY: I just don't think it even comes close. I think you have got a house that was really...I'm assuming there is an architect on that house. I'm not sure, but it looks more like a house that might have been developed by a builder and then put on the market for sale, not one that was designed by someone who knew what he was doing and then built for sale.

MR. BRINDELL: The 1992 Designation Report, Page 9 says that 150A is a reflection of a layman's alternative and adaption to the craftsman style of American architecture in the early 20th century. It says "The Craftsman movement provided an ideal design for a semi-tropical area like Florida with 1) low broad rooflines for an extension of shade. Does this house provide that?

MR. PAWLEY: No, it doesn't.

MR. BRINDELL: ...the introduction of system s of ventilation providing means for cooling interior spaces in pre-air-conditioned South Florida homes. Is is particularly well ventilated?

MR.. PAWLEY: I don't think so.

MR. BRINDELL: Is it your professional opinion that 150A is an extremely poor example of the bungalow style or vernacular style?

MR. PAWLEY: Yes, it is my opinion. It's a very poor example.

MR. BRINDELL: And that it does not embody the typical design elements of that style.

MR. PAWLEY: Yes, I agree.

MR. BRINDELL: And that it was not designed to provide adequate structural support.

MR. PAWLEY: Well, that I don't even have to...it doesn't, and all you need to do is look underneath the house to find out that it doesn't and look at it. It's not quite straight...none of the things that you would want in a frame house. Of course, it's old, but...and wood will sag, but not to the degree that this one has.

MR. BRINDELL: Alright. Thank you. I'd like to go to another one of the criteria that they've referenced in the report, and that was that it embodies distinguishing characteristics of an architectural type or specimen inherently valuable for the study of a period, style...it's interesting that at the April 15, 1992 Landmarks Preservation Commission meeting, Mr. James Sved, who was the Town's Landmarks Consultant, testified about the design of the house, Mr. Dudley Brewer and his ventilating system. In that regard, Mr. Sved testified that " I never heard of Mr. Brewer before this, but he is very interesting. The man, apparently Mr. Brewer, designed this bungalow for Mr. Geer using what was considered at the time in the newspaper articles as a revolutionary new bungalow type. It was called the Brewer Protecto Super Ventilated Bungalow. I don't know exactly what the Brewer Protecto Super Ventilated Bungalow is, however, I think that it is...apparently the building is still standing some years later and I think it's worthy for future study. I don't know what this super ventialted bungalow is, but it is certainly a unique method of construction and it has stood the test of time, and I believe it's worthy of more study in the future, and the protection that would be afforded with that future study." Well, not only was Mr. Sved totally unfamiliar with who Mr. Brewer was, he didn't have really the slightest idea of what this super ventilated design was. As has been testified to earlier this morning, there isn't anything unusual about this ventilating system. It's not even a particularly good one. I mean I appreciate they may have been building and trying to sell houses, and we're all familiar with that business and some of the approaches that some people take trying to sell things. Now, there's also, again, no suggestion other than the fact that this was developed by Mr. Geer...there's nothing that has ever been presented that suggests that this house, in some how is an important reflection of Mr. Geer's contribution to this community as a developer. Apparently, he was one of the developers, along with Mr. Dimmick, according to one newspaper article, of some of the properties in the Royal Park Subdivision. But there's nothing about this house that has been shown to have any significance relative to his career as a developer. Maybe it was one of his failures, and I'm not sure we should landmark it for that reason. But it appears, based on the newspaper article, that it was built for spec. So I don't see how it could possibly have been supported or how the facts could possible have supported the conclusion that this is somehow representative of an important figure in Town. You know it needs to be connected somehow, it seems to me, with his important contribution to the Town. I've never seen the first bit of evidence to suggest that this house, in any way, reflects any important contribution of Mr. Geer to this community, and on that basis, I don't see how it could possibly be substantiated from a designation standpoint. We'd be glad to answer questions. We ask that you reconsider this matter on the merits of designation and that we hope you see fit to de-designate this property. And then we'd like some time for response to whatever extent that may be necessary. Thank you.

MRS. WILKEY: I have a problem with the de-designation report.

MR. RANDOLPH: May I, before you do though. If you have questions, perhaps, of Mr. Brindell, now would be the opportunity to ask them, but if the Town is planning on putting on evidence, I think it would be beneficial for you to hear that prior to you making any comments. I don't know if the Town is planning on doing that or not. I saw Mrs. Day getting up. Mrs. Day, I think, has comments.

MRS. JANE DAY: I have a few things to say. Just so you can all see what we're looking at here, 150 Australian Avenue, 150A. First of all, I did not write the Designation Report in 1992. It was designated just prior to my coming to work with the Town as the Landmarks consultant. Would you like me to put my resume' into the record?

MR. RANDOLPH: Yes, I would.

MRS. JANE DAY: Just for the record, and for those of you who don't know me, I'm the President of Research Atlantica. We're a historic preservation firm that has been operating in Dade, Broward, and Palm Beach County and the Bahamas since 1989, and I have a copy of that resume' and the things that my company has done since that time.

MR. RANDOLPH: Also, any photographs that you present should be made a part of the record also.

MRS. DAY: O. K. , the slides and... First of all, the first thing that hit me when I read the De-Designation Report and then went back and looked at the Town Designation Report is this house is still standing seventy six years after it was built by Mr. Geer in Royal Park. I am not an engineer, nor am I a licensed architect. I'm an architectural historian. I look, however, at houses, and particularly, frame vernacular houses quite often in my work. Presently, we are under contract to the City of Palm Beach, the City of Key West, where we are re-doing their historic sites survey, and they have over 1500 frame vernacular houses in the City of Key West that we're looking at. So, I look at a lot of frame vernacular properties. I've also looked at frame vernacular properties in Dade County , where I have raised money to rebuild the first African Bahamian house that was built in 1890 in Cocoanut Grove. This house is unique. It is different from all of those other houses that I have seen. I think it is representative not only of a unique style and method of construction , but I think that you have to go back to the very definition of the word, "vernacular" to begin with. Vernacular architecture is architecture that is built using the materials that are available and the expertise of the builder, not necessarily a professional. The newspaper article that Mr. Brindell already put in as part of the record, I think, is a great reason why we should keep this house. And if I could, I would just like to read one paragraph from that article. First of all, it says "Geer to erect new bungalow in Royal Park" and this is from the Palm Beach Post and the date of it was October 18, 1921. I found my copy in the clipping file at the Palm Beach County Historical Society. This particular article says that important features of the Brewer Ventilating System are said to be the provisions for supplying abundant ventilation simultaneous with protection against the emission of moisture during storms with ample provision for ventilation at all times...though the doors and windows be closed. Air swept ceilings make possible the means of the rapid removal of superheated air, thus causing the temperature in all parts of the interior to be equalized and kept as cool and fresh as the outside atmosphere. As a historian, we look at newspaper articles that are over 50 years as primary source material. Finding an article from 1921, and having the example of that article still standing, in my mind, is an important reason for someone who is an architectural historian or perhaps a professional engineer to look at this building and see if, in fact, the building reflects what was touted in the newspaper. I have not had access to the interior of the house. I have not been able to look at those things like Mr. Brindell and Mr. Pawley have, but I think that the fact that the building is still standing is important. We had a very devastating hurricane in Palm Beach in the 1940s. I'm doing some work on the Bath & Tennis Club where a great portion of that building blew down in that hurricane. This building is still standing. I also think that it's important to realize the important contribution that Harvey Geer made to the Town of Palm Beach. This building is often called the Geer Cottage and although we do not know if he ever lived there or not, the newspaper article clearly states that he was to erect this bungalow. This was under his supervision as his business venture. He's also called, and I have an article from The Post, 1925, that I'll submit to the record where

Harvey G. Geer is called the Daddy of Royal Park, and it says when he and his associated developed Royal Park, and put it on the market fifteen years ago, oceanfront footage sold for $15 a front foot. Mr. Geer and his associates built the first bridge to come across to Palm Beach. He was the President of the Town Council. We don't often see criterion (b) used in a Designation Report, because we want to really take the personalities with the town and pay close attention to the important development they've made for Palm Beach. The association in the press of the 1920s of this bungalow with Mr. Geer, I think, clearly establishes the relationship between the man and the building you still have standing. I think it's a unique example of frame vernacular architecture...unique because it's different. It's still standing after 76 years, and if you are interested in some of the other bungalows that I personally have been involved in designating, I can show you that it is unique and quite different. Here again is that same property. These are the other bungalows that we have in the Town of Palm Beach. (Referring to slides) I submit to you that the house at 150A Australian is indeed unique. It is a part of the very early history of this Town. It is not something to de-designate lightly, and I think it was designated on valid criteria for valid reasons. It's not our job to be subjective and say whether we like or we don't like,..we're not asked to look at how good or bad the construction was. I've heard that some of Mizner's buildings are chicken wire with stucco on the outside. We're looking at if it fulfills the criteria and I think that this building clearly does. Any questions that you have for me, I'd be happy to answer them if I can.

MR. BRINDELL: Well, I'd like to respond to several points that she made, the fact, first of all, that the house is still standing. I mean there are a lot of houses 76 years old and still standing in Town. I don't think we landmark them just because they're still standing. He test...Mr. Pawley testified that the only reason it is still standing is because somebody's blocked it up underneath, because the structure is so poor, it would have fallen down over time had that not occurred. I like the twist...it's an interesting twist that this house is so odd that it's unique and therefore ought to be preserved because of that, when as Mr. Pawley testified, it's not a very good example of a bungalow. It's not a good design. And it's not a good example of construction techniques or the use of materials. It's none of those things. The fact that Mr. Geer may have had an important role in the development of the Town , I guess on that basis you should landmark every project Mr. Geer had some involvement in, but I don't think that's the standard for landmarking projects that people who you think are important to the Town or came in contact with in some way. It seems to me the structure ought to have to have some significant relationship that reflects that person's career. There's been nothing presented to suggest that this little cottage in any way reflects that man's career or the distinguishing features of his career or anything else associated with the man, other than he was associated with it. And I don't think that's a criterion, under your code, for landmarking.

MR. ROBERTSON: The statute says "identified with." The word is identify.

MR. BRINDELL: Well, that means, I guess, all of us are identified with this building because we come in here. So, anything we're identified with could be landmarked. If somebody thinks we're significant enough...I think you have to be a little more judicious about somebody passing by something and having a hand in it. People have a hand in a lot of things here, but you don't landmark all these things that all these people have a hand in.

MR. ROBERTSON: You're a good lawyer.

MR. BRINDELL: Well, you know, you have to focus on the...the objective for landmarking should be to save important works that reflect various things, and whether its cultural, or social or architectural or construction. This isn't reflective of anything that's significant in this Town. It does not deserve to be landmarked. And we would ask that you reconsider this prior determination, and vote to de-designate this property. Now, I believe Ms. Wilkey...well, actually, you have... Mr. Pawley has a couple of other comments to make.

MR. ROBERTSON: Mr. Brindell, before you sit down, where is your client?

MR. BRINDELL: Out of the country. Overseas. He's overseas several months. He's overseas right now.

MR. ROBERTSON: How long has he been overseas?

MR. BRINDELL: About three or four months.

MR. ROBERTSON: What's he doing over there?

MR. BRINDELL: Well, he hasn't called me to tell me what he's doing over there. I guess he's managing his business affairs. I'm not sure. Well, I'll tell you the truth. He does manage a lot of things associated with his father's writing career. I know that a number of those things are in Switzerland or Austria, I believe. And I think that's what he does a lot of time there is spend a lot of time associated with those ventures and the continuation of that.

MR. ROBERTSON: Too bad he couldn't make it here today.

MR. BRINDELL: Well, it is. The fellow that he has do a lot of work for him unfortunately broke his leg, and has been stuck in his apartment in New York for a month so far.

MR. SMITH: He has proper legal counsel. That's all that matters.

MR. BRINDELL: Well, we hope so.

MR. PAWLEY: When I was asked to come up here and speak to this issue, there were actually two or three different properties that I was supposed to look at, and I was asked because of my interest and experience with preservation. But I don't think they even know a little bit about my career which I'm going to tell you for just a moment because it has something to do with this house specifically. When I went to work, in my residential career, the first six years, I never worked on a house that wasn't wood. Many of those were old houses that we were remodeling and those that were not were new houses that we were building and so my personal experience with wood houses is extensive. So, when I was asked to look at this house, I looked at it not only in the interest of history, historical elements of the house, but how good a house it was. So, when I speak to you about whether a wood house is well constructed or not, I think...I can't tell you how many houses...fifty, one hundred, that I've worked on ...all frame...some back in the 1890s. So, the seventy year old house is not necessarily an old house, and particularly wooden houses. There are lots of old wood houses. They stand up under storms extremely well. And so I'm just saying that if this was a, as a matter of fact, one of the houses that I was asked to look at, my report was...that's a wonderful house. You should designate it, because they didn't ask me to say one way or the other whether I liked it or didn't like it or it should be designated or not. They said what do you think. I don't think this should be designated. I don't think it's a good example and I don't think it, in any way, comes close to the quality that Palm Beach is used to. Thank you.

MR. BRINDELL: I think, Mrs. Wilkey, you were about to ask a question or make a comment before we got back to the staff report, and I'd like to address that if I can, whatever that was.

MRS. WILKEY: No, I was going to ask a question, and I will wait until the staff is finished. Thank you.

MR. MOORE: Mr. Chairman, I didn't realize Mr. Pawley had finished before now, but I have a couple of questions for him since he's just finished, if the Commission doesn't have any questions of him first, I have a couple questions. Commission first...no.

MR. SMITH: Mr. Moore, go ahead.

MR. MOORE: Mr. Pawley, you are the author of this report that was delivered to us?

MR. PAWLEY: Yes.

MR. MOORE: I have a couple of technical questions for you. I believe your testimony earlier relating to the subject found on Page 6 , which was the overall durability and condition of the bungalow system seems to suggest the possibility of the use of Dade County pine as a primary building materia. What was your response to that?

MR. PAWLEY: I said...my response was that I couldn't tell you whether it was Dade County pine or not, because, #1, the house was completely painted. The only time I could see any raw wood was underneath the house, and what I saw there is wood that couldn't take the spans that they had been designed for and were collapsing, and were being held up by these block construction.

MR. MOORE: Well, that is what I recall you saying too, not quite in such detail, but I call your attention to Page 6, and what your response is as an author, and I'd like you to read that to the board, if you would.

MR. PAWLEY: Response..."what is typically good of a bungalow are the...

MR. MOORE: No...on top of Page 6, please.

MR. PAWLEY: On top of Page 6, the response. "The overall durability and condition of this bungalow is extremely poor, and suggests the possibility that it was not originally ...was not originally properly designed or supported or bracketed. It is definitely not primarily of Dade County pine.

MR. MOORE: So, your opinion in the report was that it was not Dade County pine, but today your opinion is you don't know whether it's Dade County pine or not?

MR. PAWLEY: What I said, and I'll repeat it again. Since it is mostly painted...

MR. MOORE: It's confusing. That's why I'm asking.

MR. PAWLEY: Alright, well, the only...where I got the opinion that it wasn't Dade County pine is because it was structurally unsound, and I don't think those spans that were there would have been sagging like they were if it was Dade County pine, but I cannot attest that it was Dade County pine or not.

MR. MOORE: So, then, the report should be for the benefit of the Commission....your report, then,....you're modifying your report and saying that...

MR. PAWLEY: Yes, I would modify it and say that I do not believe it is Dade County pine.

MR. MOORE: Second question. Thank you. Second question...in your experience which you just gave us in the first six years of your career was extensively done in remodeling and working primarily with wood houses. Could you give us a rough estimate in houses that are seventy five years plus in age that you were involved with, how many times the windows would have been replaced during those seventy-five years?
Rough estimate...regardless of the design.

MR. PAWLEY: Of the houses that I worked on that were over seventy-five years, none of the windows had been

replaced.

MR. MOORE: Well, I appreciate that, and you're probably very fortunate. In this town, with the architects and the designs and so forth, window replacement is quite common.

MR. PAWLEY: I know that...

MR. MOORE: Especially with the...

MR. PAWLEY: I know that and I know that in many other houses that I've worked on, but you made a couple of very specific requirements there.

MR. MOORE: Yes, I did, in the first six years relating to your career. My follow up question to that is how many other houses have you ever been involved in remodeling that have replaced windows that are seventy-five plus years of age....only if you can remember...if you can't that's fine.

MR. PAWLEY: I couldn't tell you how many. Most of the wooden houses that I have...I don't want to get into that...windows are replaced often in houses, because typically we do not design houses for South Florida conditions. We don't have big enough overhangs. We don't have proper waterproofing, and therefore, they are subject to wind, rain, the water and they rot. I have replaced, literally, hundreds and hundreds of windows, but in my opinion, those are houses that are not designed for South Florida. They were designed of a certain style that was brought from the north or dryer climates that someone loved and wanted to use. a Mediterranean style is one of those. You have very little protection for the windows you have here, as beautiful as the houses are, they do not do well, over a long period of time, at least their windows do not. But on the vernacular style, where someone is...and when you say is...knows where they are living and gives you the overhangs that you should have and protects you from the sun, and the wind, and the rain, then your windows do not rot out nearly as fact as they would on another kind of house.

MR. MOORE: I would agree with those comments. Thank you.

MR. SMITH: I've got a question for you. Mr Pawley, how many times have you testified in front of this commission for de-designation or against landmarking properties in Town?

MR. PAWLEY: Well, I've been here three different times. De-designation...this is the only time. I was here about two months ago, and then I was here one other time for the Kennedy house.

MR. SMITH: Have you ever been in front of other commissions in Florida against landmarking or is it just in the Town of Palm Beach?

MR. PAWLEY: I have ...when I...years ago when we first started working on South Beach, I was a member of the board of the (indiscernible) Preservation League, and there we were making an effort to save all the houses that were on South Beach that were part of the group, and I was very involved in that, and matter of fact, did the painting of those houses early on which began to make them popular again. But some time later, Versacci came to South Beach, and had a house that he wanted to re-do and re-make, and it's an absolutely gorgeous house on South Beach on the beach, but the (indiscernible) Preservation League, which I was a member...had been a member of, was against it because they had to take down a house next to his for his garden. That was one of the earlier houses, but it was done in the 1930s, not....and it was a very poor example, so I was asked to...what my thought was about that house, and I said that that house was not worth saving and it should be torn down, and this beautiful house that would become more beautiful could be expanded with gardens, and they did that.

MR. SMITH: Thank you.

MRS. WILKEY: I do have a question, Mr. Pawley. There was a house that was restored in Miami on Old Cutler Road near Fairchild Gardens. Were you instrumental in that restoration and preserving that home? I have forgotten the name of it, but it backs Snapper Creek.

MR. PAWLEY: Not on Old Cutler. I know the house very well. I think Bob Brown was the architect who worked on that. I had worked...matter of fact, I worked for the four most well known vernacular architects in South Florida, and that's where I got my experience with that kind of construction, and I believe he was the architect of that one.

MRS. WILKEY: As I recall, that house had to have all the windows replaced and a lot of work. It was extensive work. And that was a vernacular house in that area, and it was sagging. I happened to live almost behind it.

MR. PAWLEY: I know the house very well. You're right.

MRS. WILKEY: So, old houses do need a lot of work.

MR. PAWLEY: Well, they do. I'll respond to that a little more ...you need to send someone knowledgeable to look underneath this house because I'm going to tell you, this house is structurally unsound and I was asked whether we could...if the house could be picked up and moved, and you would have to do a lot of preliminary work. Normally, a wood house is easy to move...I mean typically, but you'd have to do a lot of work to this house to move it.

MRS. WILKEY: One more thing. I happen to have experience with restoring an old house. It's a hundred years old in Tallahassee, and the floors were sagging, and we were told at the time we purchased it that all we had to do was jack it up slightly. Well, we discovered that that was not the case. Once we jacked it up, all the walls crumbled. So, the fact that the floors are sagging and that they need help does not lessen the value of landmarking the house.

MR. PAWLEY: Well, all I'm saying is that the floors are sagging. They are sagging anyway. That's what made me want to look underneath to see what was causing that. Was it just after seventy-five years...does the wood bend and give a sag? And that's when I found out that it was being temporarily held up by other construction.

MR. SMITH: Mr. Pawley, don't you find in your research and examining of buildings, that it's common that floors will sag and the owners will go underneath the building and shore them up with concrete blocks and other members and reduce the spans, especially in aging houses. I don't think they become actually structurally unsound, they become more,,,they actually...what's the word I'm looking for...

MR. MOORE: They've lost their fiber strength.

MR. SMITH: Yeah, but structurally they're sound, but ...

MR. PAWLEY: It is possible, I'm just saying I do have, I would say, what most people call a lot of experience with wood construction, and I would say this one is not one of the best I've seen.

MR. MOORE: Mr. Pawley, I have one more question. You continue to keep mentioning subjects which certainly keep prodding me to ask you another question. In all your experience with frame construction, do you find and would you be able to testify to the fact that houses, especially frame houses, actually are living entities that the life of materials has a life span, and that those materials are not necessarily, especially in the Florida climate, infinite...that they can go on forever and ever?

MR. PAWLEY: Well, I'm an expert, but I couldn't answer that exactly. What I can tell you is that I have been in houses a hundred years old, two hundred years old, two hundred fifty years old...as a matter of fact, my family is originally from South Carolina, and you grow up in that area, and they are all frame houses. The floors are not sagging in most cases, not that they don't sag, but ...

MR. MOORE: Do they lean in Charleston in any way?

MR. PAWLEY: What I'm saying the difference is here is where the construction is good, and they use the examples of hundreds of years for construction of wood, then the houses stand up quite well. The reason this one isn't standing up well is they did experiment with this house, and I think failed.

MR. MOORE: One last question, if I might, Mr. . Pawley. In your opinion, are you saying to this board that the reason the house and the floor sags and so forth, that you've been testifying to, is more a situation that it's been neglected and been allowed to get into this condition.

MR. PAWLEY: No, I don't think so. I think it was badly designed. I'm saying the house was not well designed, not well built, and that's the reason it's in the condition it's in.

MR. MOORE: But properly maintained, in your opinion, then?

MR. PAWLEY: No. I don't think that either.

MR. MOORE: Oh, well let me just ask you...

MR. PAWLEY: But it's the yard mostly. What I don't want the council to misunderstand here...the yard is dirty. There are things in it, but it has no impact on whether the house is substantially safe or not, or whether it's a good design or not, or whether it's been maintained. It's been painted many times.

MR. MOORE: But you asked us to go and send someone to look...you said you felt it was structurally unsound.

MR. PAWLEY: Right.

MR. MOORE: And you're still saying you think it's structurally unsound.

MR. PAWLEY: Oh, yes. I do.

MR. MOORE: And that's by poor design and materials or lack of maintenance?

MR. PAWLEY: I don't think it's lack of maintenance at all...at all. Matter of fact, I saw almost no leaks, you know, obvious leaks in this house. Normally in a wood construction, where you get wood rot and things that go wrong with it, there have been leaks in it, and things happen, and it gets weak in joints and things. This house, I didn't see that in here, so I don't think it's a maintenance problem. I think it is a structural problem and a bad design.

MR. SMITH: Thank you very much. Anyone else care to speak?

MR. BRINDELL: I would just like to close by focusing back...Oh, I'm sorry.

MR. SMITH: Mrs. Earl

MRS. EARL: Do you want me to come up now?

MR. SMITH: Please. I guess he was going to do his closing.

MRS. POLLY EARL: Polly Earl, speaking for the Preservation Foundation. I've been listening for a long time to this discussion, and the greater part of it seems to have focused on structure and construction and good construction and bad construction and whether seventy-six year old floors sag, and I, simply, I cannot believe that it's not allowed for seventy-six year old floors to sag, but nonetheless, that seems to need to consume a lot of time. I just don't understand what I'm hearing, because I turned again to my copy of the Landmarks Ordinance, and I looked at the four criteria for designation of landmarks and landmark sites, and I don't see anything there that says you can only designate structures of outstanding engineering properties of outstanding construction; you can only designate structures that haven't had any of their windows replaced over time. I just don't see where it says that, so I don't understand the amount of time that has been focused on this question, and I think the commission has been very gracious in listening to as much of that as it has. I don't want to say too much about the question of the architecture because I think Mrs. Day has covered that very capably. I do believe that our bungalows...and I looked for the basic definition of a bungalow...which has not...I don't believe Mr. Pawley has given you a basic definition of a bungalow. In what is just the simplest little pamphlet that I could find, the definition of a bungalow, which indeed is a very generic term, like Kleenex, was "a low house with a broad veranda." Now, I don't know why we have to spend all this time measuring whether the eaves are three feet, or four feet, or five feet or whatever they are, we're looking at over there at 150A Australian, at a low house with a broad veranda, and the finish, the detailing on the house...it looks pretty vernacular to me. It looks like it was not done by an architect. I don't think anybody ever really suggested that there is an architect involved with this, nor,again, looking at your criteria, need there be an architect involved. This, to me, is a wonderful little vernacular structure. It's whimsical. It's quixotic, and it has a delightful roof line, I think, but I believe that Mrs. Day said the important things about the architecture. I want to say something just a little bit more about the history of this property. Again, I like to go back to the ordinance because I think that helps us to ground ourselves in what we're talking about. And when I look at the ordinance and when I look at the criteria for designation, the way I read them, out of the four criteria, two of them, 50% of the possible criteria for designation, have to do with historical history, historical questions. And I would suggest to the Landmarks Commission that here in Palm Beach, we've done a good job covering the waterfront on our important architecture, and because we've spent our time and our resources on that, in some cases we haven't covered the waterfront as well talking about our history. But there's time to do that, you know, history...we're always discovering new things about history, and my hope is that in the future, more and more, we will look at the historical questions surrounding these structures that we propose for landmarking. And I think that when we look at this one, we find that there is a great deal more that we can say about its history. It is really a shame to dismiss Mr. Geer with a single word, "developer." And I think it's a shame to dismiss all of the people of his era in Palm Beach as developers because they were not what we think of as a modern developer. They were not people that were just coming in to skim the profit off the sales of a few lots or put up a few spec houses and then go on to the next community and take their profit there. These people were part of creating our community. They were the people who shaped the plan of this community just as much as Flagler or Mizner or Paris Singer. How can I say that about some man that all you really know is that he put up the Protecto Ventilation Bungalow. Well, let's look at how this town developed. Just one small correction for Mrs. Day...I think she said Geer was involved in building the first bridge...it was actually the second bridge. Flagler's railroad bridge, of course, was the first bridge over, but the second bridge...really the first vehicular bridge...Flagler.'s bridge was, at some point, changed to vehicular traffic...but the second bridge was the one that Geer and Dimmick, together, along with other investors, constructed over to the island of Palm Beach. Now, let's just think a minute. What if they hadn't put that bridge where they did? What if they'd put it down by Southern Boulevard? Well, maybe Addison Mizner and Paris Singer would have gone down there to build the Everglades Club and to build Worth Avenue, and maybe that would have been called South Palm Beach, and we wouldn't be standing in this Town Hall today. So, the fact that this man, this Harvey Geer, along with his associates, decided to build that bridge where he did, and decided to plat and start construction

in this Royal Palm Subdivision, where we now stand, is one of singular importance for the development of Palm Beach. Remember, this is all happening after Flagler, but before Mizner and Singer. Why would Mizner and Singer have built exactly where they did if they couldn't get over that middle bridge...what's now the middle bridge...there was no bridge further south at that time; they couldn't get over that bridge, and if they couldn't establish their club, their shopping avenue, in an area that was a growing area of Palm Beach, that was disassociated from Flagler. I think they wanted to create their own little community that was different, that was singular, that didn't have to be hitched on to Flagler's reputation, and the fact that the Geer/Dimmick bridge came over where it did, and the Royal Park Subdivision was here, allowed them to do that. So I think that...and your Designation Report tells you that not only was Geer involved with that bridge and that subdivision, he continued to be involved with development here. He invested in businesses in West Palm Beach. I've seen newspaper articles...I believe Mrs. Day has some....he served on the Town Council. He's on the plaque on the Memorial Fountain. He's in everything in the early development of Palm Beach. He's a person who created this community, and because of that, we need to recognize this structure. Now, we don't know what he was doing with his Protecto Bungalow. Maybe he was taking a flyer with the whole operation. Maybe the Protecto Bungalow was just a very simple rearrangement of louvers and shutters and things like that up in the attic so that you didn't have to close something off in the heavy rain. I certainly would like to have something like that in my house. I'd like to have some way to keep the heavy rain out and yet, have the air flowing. Maybe it worked. Maybe it didn't, but once again, it's typical of this era of American history. People have just invented the motor car. They've just invented the airplane. Why can't they try to invent a new way to ventilate your bungalow? And why shouldn't we recognize some of that entrepreneurial inventiveness in the American spirit and take notice that it happened here in Palm Beach? It didn't happen all over Palm Beach. It happened in this one little place. So, let's try to hang on to that. Let's try to hang on to that little bit of our history. Mr. Geer was a banker. He was a builder. He was a politician. He was a entrepreneur. And I think that the fact that I don't know that we have any other buildings landmarked that have any association whatever with him is, I think, that's a strong enough reason right there to maintain the designation of this property. And I don't want to hold you up any longer and speak any longer, but I would hope that you would do that. I would recommend that and I thank you for your time.

MR. SMITH: Thank you Mrs. Earl.

MR. RANDOLPH: Mr. Chairman, Mrs. Earl, could you please, for the record, state your position and whatever qualifications you would like to be on the record.

MRS. EARL: I am the Executive Director of the Preservation Foundation of Palm Beach, a position I have held for over fourteen years, which has involved me in the study and inspection and looking at all sorts of homes here in Palm Beach all during that time. I hold a History degree with Honors from Sweet Briar College and a Masters Degree from the University of Delaware, specializing in American economic and technological history, which of course, includes the history of building, and I worked for some time, before coming to this position here, at the Winterthur Museum where I edited Winterthur's publications having to do with architecture and decorative arts. I have taught history at the University of Delaware, the College of Lake County in Illinois and at Florida Atlantic University. Thank you.

MR. SMITH: Thank you very much, Mrs. Earl. Mr. BRINDELL...

MR. BRINDELL: I'll try to make this brief to close. Mrs. Earl suggests that we wasted a lot of your time talking about structural significance. All we did was go through the things that your Designation Report in 1992 said were important about this property. That's all we did. They made a big deal about expansive overhangs, the great integrity of the building, all those kinds of things, and that's why we got into that discussion, because they're not accurate. With regard to Mr. Geer, I didn't say Mr. Geer wasn't important to the Town. I think the statement was made he's referenced on the doorplate out here somewhere or something. I think the Town Hall's landmarked.

Isn't it? So, we've got something associated with Mr. Geer that's probably more important than maybe the other things he did, maybe serving on this council. She said that...she admits that we don't know what Geer was doing with this bungalow. Then she went on to speculate, she'd like to have this great system of ventilation, which is what the newspaper article said was what this bungalow was about. But Mr. Pawley's examined the house and says that doesn't exist. It's not even particularly well ventilated, let alone being unusually well ventilated, and yet, that was part of the Designation Report, and that's why we addressed that. You landmarked the Royal Park Bridge, and I think that's a wonderful thing to do, and on behalf of Mr. Geer...I'm just saying, you know, then he's associated with what's been landmarked. That's a good thing.because that's something significant for the Town. But this house has nothing...nothing has been demonstrated that it's significant with regard to whatever Mr. Geer's contribution was with the Town other than a developer...a development scheme that didn't work out very well, because I don't think it's been replicated in Town. I don't think this thing caught on, and was a good design that did all these things the newspaper article said so everybody clamored to have one. That doesn't appear to have been the case. So., we don't believe this property is justified for designation. It shouldn't have been designated in the first place and we would ask you to remove the designation. Thank you.

MR. SMITH: Any questions? Any comments from the commissioners?

MR. RANDOLPH: I would like to make a statement. This is a little bit different than your normal application because when you have a designation report, you will have moved that report into the record, and you can assume that any motion that you make will be based upon that report that has been moved in to the record, and therefore, when you make your motion, you don't have to set forth the reasons for the motion. However, because you are in a quasi-judicial hearing, and because any reviewing authority will need to look at what you base your decision on, I would like to suggest that whatever motion you make, that you include, within it, your reasons for the motion.

MR. SMITH: Are you saying we do not need to submit the report that they have prepared into the record?

MR. RANDOLPH: No. No. That all is a part of the record, but it's not a staff report that you have adopted, and in normal circumstances, that would be used as part of your reasons for what you have done. Here, you've got his designation report and there's not a ....although the old designation report is part of the record, there's nothing that you've adopted that a judge could look at as being the reasons for what you've done. So, I will just ask you to...whatever you do, whether you accept the application for de-designation or whether you deny the application for de-designation, that you state the reasons for your motion.

MR. SMITH: Mr. Randolph, is then the burden of proof on the applicant for de-designation?

MR. RANDOLPH: Yes, it is. Yes, it is.

MR. SMITH: They have to prove to us beyond...beyond our report, I guess.. not beyond a reasonable doubt...we don't want to get into that.

MR. RANDOLPH: No. No. It would be substantial competent evidence test. You would make your determination based upon the evidence that was presented to you, and a reviewing authority, in looking at your decision, would make a determination as to whether the evidence before you was substantial competent evidence to support your decision.

MR. SMITH: I don't know about anyone else, but I did not see anything in their report that substantiated the request for de-designation any more than the report that we have that already designated it.

MR. ROBERTSON: Mr. Chairman, the only evidence offered was the testimony of the one witness, and that went only into criterion (c) which is dealing with the construction of the property and whether or not it's bungalow style and good construction, and all that. I remind the commission there are three other criteria in our statute and any one of them is sufficient to sustain landmarking, as I read it. Isn't that correct, Mr. Randolph?

MR. RANDOLPH: That's correct, but just so the record is clear, I did hear them address those criteria. You don't necessarily have to ...

MR. ROBERTSON: Well, but that was argumentative. The record is plain as to the accomplishments of Mr. Geer and how important a person he was in the history of this town, and I suggest that that satisfies criterion (b), that the landmark site be identified with historic personages or important events in local history, and it seems to me, Mr. Geer clearly satisfies that criterion, and it doesn't require that the building be related or relevant, as Mr. Brindell argued. It is simply that it be identified with him , and it's clearly identified with him, and I think on the basis of that one criterion alone, the landmarking is sustainable.

MR. SMITH: Would you care to make that into a motion?

MR. MOORE: Can I clarify one point before you make a motion, and I agree with Mr. Robertson, and for the record, I do want to point out that the original report used two criteria, not all four criteria. The two criteria that were used were... embodies distinguishing characteristics of an architectural style and specimen, and historic personages, and in fact, that's what you've been hearing the testimony about today on both issues, on the architectural style and characteristics and historic personages. None of the other criteria were used in the original designation or offered here today on the de-designation.

MR. SMITH: I'd also like to add to your comments on item (b)...item (c)...I still saw no evidence that it did not embody distinguishing characteristics of an architectural type or specimen. Palm Beach has very few of these left. We grasping onto the few bungalow style...whether we say the word bungalow or whether we use frame vernacular....

MR. ROBERTSON: Well, to me as a layman, that's a matter of semantics, I mean. Granting the argument that it's not a good example of the bungalow style, it seems to be an example of the frame vernacular style. O.K....which was defined for us by Mrs. Day, so I think the evidence that's been offered by the staff and in the original report sustains the burden of satisfying that criteria as well.

MR. SMITH: I totally agree. Any other comments? We have a motion. Is there a second to the motion?

MRS. DELP: There was no motion.

MR. SMITH: Oh, I'm sorry. I thought there was a motion. Would someone care to make a motion?

MR. ROBERTSON: Mr. Hoffman, why don't you make a motion. You haven't done anything today.

MR. HOFFMAN: I'll be glad to make a motion. I WOULD LIKE TO MOVE TO DENY THE APPLICATION FOR DE-DESIGNATION ON THE BASIS THAT (a) IT IS IDENTIFIED WITH a HISTORIC PERSONAGE, NAMELY MR. GEER, AND (B) BECAUSE I DO BELIEVE IT REPRESENTS a BUNGALOW STYLE, ALTHOUGH...ALBEIT a RATHER UNIQUE VERSION OF THAT STYLE.

MRS. WILKEY: I'LL SECOND IT.

MR. SMITH: MOTION MADE AND SECONDED. ALL IN FAVOR?

ALL: AYE.

MR. SMITH: OPPOSED?

(NO REPLY)

MR. SMITH: SO MOVED UNANIMOUSLY.

VII. Other Business:

A. Discussion relative to properties suggested for landmarking "under consideration" status
710 South Ocean Boulevard: Proposed by Jeffery W. Smith
1410 South Ocean Boulevard: Proposed by Jeffery W. Smith
260 Pendleton Lane: Proposed by contract purchasers, Joe & Mary Webster
440 Brazilian Avenue: Proposed by owner, Patricia Graebner
209 Seaspray Avenue: Proposed by owner, Polly Earl

Mrs. Day read the list above into the record. These properties have been suggested for study for possible landmark designation. These will be brought forward for designation during the 97/98 Designation Season. Mr. Smith asked Mr. Moore if placing these structures under consideration for landmark designation would allow them to be rebuilt in their exact form, should they suffer a 50%+ loss due to a hurricane, for example. Mr. Moore stated that placing them under consideration places them under the jurisdiction of the Landmarks Preservation Commission, and "absent reviewing the exact terms of the Ordinance," Mr. Moore believed Mr. Smith was correct. Mr. Randolph, however, stated that landmarked structures are protected in this way, but he was not sure that the same would apply to structures "under consideration." Mrs. Day stated that at least two of these owners are interested in the tax credit, and thus, desire to be placed "under consideration."

Mr. Smith also inquired, because two of the properties on are the ocean, since the Coastal Construction Line is scheduled to be moved 200' west ward, and if the properties are landmarked, would the two houses, if significantly damaged by a hurricane, be able to be re-constructed as they now exist. Mr. Moore stated he would have to look into this further. He offered his opinion, however, that he did not think the landmarking status had any bearing on the jurisdiction of the State and its Coastal Construction Line. Mr. Moore stated, for the record, though, that this change in the line does not constitute criteria for landmarking. Mr. Moore stated that in order to build east of the Coastal Construction Line, a waiver would have to be sought from the State's Department of Environmental Protection. Mr. Smith stated that the Town or the Preservation Foundation should initiate an effort to pave the way for such waivers, should the need arise, i.e., oceanfront landmarks damaged by a hurricane.

Let the record show that Mr. ~~Robinson~~ Robertson left the meeting at this point, 12:51 p.m.

Mr. Frank stated that he had received three letters relative to the above properties and placing them under consideration, and these ar eon file..

MOTION BY MS. SHIELDS TO PLACE THE PROPERTIES LISTED ABOVE ON a LIST OF PROPERTIES "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

B. Florida Trust for Historic Preservation: Mrs. Jane Day

The Florida Trust for Historic Preservation will meet May 14-17 in Miami Beach. She recommended the event, and stated she had applications to attend the conference should any of the commissioners desire to go.

C. Informal Review: 1568 South Ocean Boulevard/9 Lagomar Road

a wall on the landmarked 1568 South Ocean Boulevard was demolished, and a new wall was constructed in its place. This was done by the owner of 9 Lagomar Road, without him realizing that he was affecting someone else's property, and one that was landmarked. Mr. Ray Wall of Newlands Design Group addressed the project. Mr. Frank had recommended that Mr. Wall come before the LPC today, as a good portion of this work had already been done, and involved changing the previously existing barrel tile in the wall to balustrade. The landmark owner has no problem with the wall, as it was changed. The LPC offered no negative feedback. An application will need to be filed for LPC review of this matter.

VIII. Adjournment:

THE MEETING WAS ADJOURNED AT 1:03 P.M., WITHOUT BENEFIT OF A MOTION.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, May 21, 1997 at 9:00 a.m. in the Town Council Chambers, second floor, Town Hall, 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

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								
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)

TOWN OF PALM BEACH **ATTENDANCE RECORD (1997)**
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								
Eugene Pandula	P	P	P	P								
Arthur Silverman	P	P	P	P								
Lindley Hoffman	P	P	P	P								
Harrison Robertson	P	P	P	P								
Elizabeth Shields	P	P	P	P								
Sari M. Wilkey	P	P	U	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								
Nikita Zukov	n/a	n/a	E	P								
Ann Lilja	n/a	n/a	E	P								

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

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

LAST NAME—FIRST NAME—MIDDLE NAME: JEFFREY W. SMITH	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE: L. P. C.
MAILING ADDRESS: 241 SANFORD AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: X CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: PALM BEACH COUNTY: FL	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED: 4/16/97	MY POSITION IS: ☐ ELECTIVE ✓ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. 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.

#9-97

OU 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 4/16, 19 97:

(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 Lowell Paxson, by whom I ~~am~~ WAS retained.

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

CoA#9-97, 780 S. Ocean Blvd.

RECEIVED
MAY 8 1997
TOWN OF
PALM BEACH

4/16/97
Dated 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.

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
SMITH, JEFFERY W.	L.P.C.
MAILING ADDRESS: 241 SANFORD 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: 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED: 4/16/97	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. 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.

#8-97

OU 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 4/16, 19 97:

(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:

AT AN EARLIER TIME I WAS RETAINED BY MR. CASTLE AS HIS ARCHITECT.

CoA#8-97, 1095 North Ocean Blvd.

RECEIVED
MAY 8 1997
TOWN OF PALM BEACH

4/16/97
Dated 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.

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
SMITH, JEFFREY W.	L.P.C.
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
241 SANFORD AVENUE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
PALM BEACH / 33480	TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE
7/16/97	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

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.
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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.

#8-97

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 4/16, 19 97:

(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:

AT AN EARLIER TIME I WAS RETAINED BY MR. CASTLE AS HIS ARCHITECT-

CoA#8-97, 1095 North Ocean Blvd.

4/16/97
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 [illegible] 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	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
JEFFORY W. SMITH	L. P. C.
MAILING ADDRESS: 241 SANFORD AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: X CITY ; COUNTY ; OTHER LOCAL AGENCY
CITY: PALM BEACH COUNTY: FL	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED: 4/16/97	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

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:

- ○ 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.

#9-97

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 4/16, 19 97:

(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 Lowell Paxon, by whom I ~~am~~ WAS retained.

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

CoA#9-97, 780 S. Ocean Blvd.

4/16/97
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

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 L.P.C.
MAILING ADDRESS 241 SANFORD AVENUE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: X CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY PALM BEACH COUNTY 33480	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 4/16/97	MY POSITION IS: ☐ ELECTIVE ✓ APPOINTIVE

MINUTES

WHO MUST FILE FORM 8B

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#8-97

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

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DISCLOSURE OF STATE OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on 4/16, 19 97:

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____ 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:

AT AN EARLIER TIME I WAS RETAINED BY MR. CASTLE AS HIS ARCHITECT.

CoA#8-97, 1095 North Ocean Blvd.

4/16/97
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.