



# TOWN OF PALM BEACH

Planning, Zoning & Building Department

## MINUTES

### LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, MARCH 15, 1995

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

Mr. Moore asked Mr. Silverman to function as Temporary Chairman for the first few minutes of the meeting.

I. Call to Order: The meeting was called to order at 9:02 a.m. by Mr. Silverman.

II. Roll Call:

PRESENT: Anne G. Metzger, Member  
Jacqueline Albarran de Mendoza, Member  
Arthur Silverman, Member  
Joanna Frost-Golino, Member  
Eugene Pandula, Member  
Jeffery W. Smith, Member  
Jane R. Grace, Alternate Member  
Elizabeth Shields, Alternate Member  
Anne Keresey, Alternate Member  
Tracy Biagiotti, Representing Town Attorney  
Robert L. Moore, Director of Planning, Zoning & Building  
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: William S. Gubelmann, Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Grace will vote today, filling Mr. Gubelmann's seat.

Mr. Silverman welcomed the three new members to the Commission.

III. Election of Officers: Election of Chairman, Vice Chairman and Secretary

Nominations were made as follows:

Mrs. Grace nominated Mr. Smith as Chairman.

Mr. Silverman nominated Mr. Gubelmann as Chairman.

It was suggested that both of these gentlemen could be officers, with one as the Chairman and one as the Vice Chairman. Mrs. Grace pointed out that Mr. Smith is a year round Resident of the Town and is an architect. Hearing that, Mr. Silverman rescinded his nomination.

ROLL CALL VOTE FOR MR. JEFFERY W. SMITH AS CHAIRMAN:

MRS. METZGER: YES  
MRS. ALBARRAN DE MENDOZA: YES  
MR. SILVERMAN: YES  
MRS. FROST-GOLINO: YES  
MR. PANDULA: YES  
MRS. GRACE: YES

NOMINATION CARRIED 6-0 FOR MR. SMITH AS CHAIRMAN.

Nominations were heard for Vice Chairman as follows:

Mrs. Grace nominated Mr. Gubelmann as Vice Chairman.  
Mr. Silverman nominated Mrs. Frost-Golino as Vice Chairman.  
Mrs. Frost-Golino declined the nomination.  
No other nominations were heard for Vice Chairman.

MR. GUBELMANN IS ELECTED AS VICE CHAIRMAN.

Nominations were heard for Secretary as follows:

Mrs. Albarran de Mendoza nominated Mrs. Metzger.  
Mrs. Metzger declined the nomination.  
Mrs. Frost-Golino nominated Mr. Pandula.  
No other nominations were heard for Secretary.

MR. PANDULA IS ELECTED AS SECRETARY.

Consideration of January absence of Elizabeth Shields, yet pending classification: Ms. Shields stated that she missed the January meeting due to an unavoidable business conflict, and will accept an "unexcused" absence. She had submitted a letter to Mr. Frank indicating the reason for her absence.

Mr. Moore commented that the Town Council, at its meeting yesterday, discussed the determinations which are made relative to commission members' absences from meetings. The Ordinance, Rules and Standards Committee will discuss this matter at its upcoming meeting. Currently, the Chairperson makes the determination as to whether an absence is excused or unexcused.

#### IV. Approval of the Minutes of the February 15, 1995 Meeting:

MOTION BY MRS. ALBARRAN DE MENDOZA TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED 5-0-2, WITH MRS. FROST-GOLINO AND MR. PANDULA ABSTAINING.

V. Public Hearings:

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

Owner/Applicant: Mr. and Mrs. Lawrence Cummings

Address: 217 Clarke Avenue

Architect: Smith Architectural Group

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

(Please note that the front facade with frontispiece and the second story addition were approved at the December meeting, with a deferral of the remaining items. The items were again deferred at the January and February meetings.)

Mr. Smith declared a conflict with respect to this matter as he is the architect for the project. Voting Conflict form on file. Mr. Smith passed the gavel to Mr. Pandula, and left the Council Chambers.

Mr. Don Kino, of Smith Architectural Group, presented this request. For the benefit of the new members, Mr. Kino stated that at the December meeting, changes were approved for the renovation of the south or Clarke Avenue facade to include a new frontispiece and second story addition. Now, however, the owner has elected to make certain changes to the remaining three facades as follows:

North facade: Open up spaces leading to rear yard by changing the fenestration from the existing series of double hung windows and pair of french doors. Changes include adding three pairs of french doors with transoms at the living room area, adding one pair of french doors at the bedroom area, and opening the space up at the breakfast room by adding a new loggia with terrace above.

East facade: Add french door into kitchen.

West facade: Change the existing double hung windows to casement windows. Mrs. Albarran de Mendoza suggested that the window which appears to be "squeezed in" on this elevation be changed to a matching french door. The LPC supported her suggestion.

Mr. Frank commented that one-half of this house was built in 1976. The entire house, however, was landmarked in 1982. Mrs. Jane Day, Staff Preservation Consultant, attempted to clarify the history of this structure. Originally, there were two houses on this property. During the 1970's, the owner of the east house purchased the west house property and demolished the house. This was prior to the landmarking. The new 1976 west wing was then added, and the landmarking occurred in 1982 based upon the original east portion of the house. Mrs. Day stated that she had previously visited the site, and is in support of the proposed changes.

MOTION BY MR. SILVERMAN TO APPROVE THE PLANS AS PRESENTED WITH THE PROVISIO THAT THE WINDOW ON THE WEST FACADE BE CHANGED TO A FRENCH DOOR.

MOTION SECONDED BY MRS. FROST-GOLINO.  
MOTION CARRIED UNANIMOUSLY.

and

MOTION BY MRS. FROST-GOLINO TO DEFER THE COURTYARD, DRIVEWAY AND LANDSCAPE PLANS TO THE APRIL MEETING.

MOTION SECONDED BY MS. SHIELDS.  
MOTION CARRIED UNANIMOUSLY.

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

Owner/Applicant: Mr. Daniel Abraham

Address: 150 Bradley Place, #806

Architect: The Pandula Architects

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

(This matter was deferred from the January and February meetings and another deferral has been requested.)

MOTION BY MRS. METZGER TO DEFER THIS MATTER TO THE APRIL MEETING.

MOTION SECONDED BY MR. SILVERMAN.  
MOTION CARRIED UNANIMOUSLY.

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

Owner/Applicant: Town of Palm Beach

Address: 345 S. County Road

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

(Please note that the "Scheme B" design was approved at the February meeting, with a deferral of the bench design and required railings.)

Mr. James Bowser, Town Engineer, returned to the LPC to discuss the aforementioned details. With respect to required railings, Mr. Bowser noted that ADA requirements demand that the stairs have (white anodized aluminum) side railings and a center railing. With respect to the proposed bench, Mr. Bowser presented photos of a free standing concrete bench. A free-standing bench, however, was not what the LPC had envisioned at last month's meeting. They had asked that the bench be built into the design of the steps. Mr. Smith suggested that the bench be 9' in width, the full width of the opening, and not only be built-in, but tiled as well, using the same tiles as are used on the steps. Mr. Bowser commented that budget constraints may prohibit a tiled built-in bench.

Relative to the tiles for the stairs, the Town Council, (property owner) at its meeting yesterday, selected a particular tile from a choice of two tiles presented to them for review. The tile would then come to the LPC for final approval. [These two tile choices had previously been brought to the LPC for review. At that time, the LPC gave no approval or disapproval of either of the tiles, as the design of the stairs was yet to be determined.] Mrs. Keresey commented that she did not particularly like either of the two tile samples, and felt that a tile with a more Mediterranean feel would be more appropriate. Mr. Smith stated that he has hundreds of tile samples at his office from which to choose, which are also within a similar cost range. Mr. Bowser stated that there is some time before a decision needs to be made on the tile.

Mr. Bowser noted that the treads of the stairs are poured concrete and are quite wide. The stair risers are 6", while the proposed tile is 5.5". Mr. Smith, along with various other commissioners, felt that the steps should be designed with a 1" overhang with bullnose edge. Mr. Bowser stated that the Town would work out the matter of the 1" bullnose edge for the stairs. Mrs. Albarran de Mendoza suggested, to help the budget, that the 9' tiled bench, as suggested by the LPC, should not be fully tiled, but be tiled as an accent. Mr. Bowser stated that the bench may have to be bid as an alternate or be donated.

Mr. Moore capsulized the project as follows: The first order of business with the steps was, and is, the safety concern. In concert with the proposal to change the steps, the Preservation Foundation came forward with the proposal for decorative tile on the steps. There was an impasse as to who would select the tile. The LPC maintained that rather than select the tile, it would review a particular tile selection. The Town Council, as owner, would justifiably select the tile. Tile choices were brought to the Town Council, and the selected tile will now be passed on to the LPC for approval. Mr. Moore commented that the LPC, should they desire, could search further for an alternative tile selection. The tile selected, then, would have to be approved by the Town Council, as owner. Mr. Smith asked the commissioners if any of them supported the tile sample shown by Mr. Bowser. None of the commissioners responded favorably. Several tile selections, from Mr. Smith's collection, will be available for view at the Planning, Zoning & Building Department in advance of the next meeting. Mr. Frank noted that the Police Facility is a non-contributing building with the Town Hall Square Historic District, and as such, changes to the building would be reviewed less stringently. Changes, of course, should be designed to broadly conform to the district.

MOTION BY MR. SILVERMAN TO DEFER THE BENCH DESIGN AND THE TILE TO THE NEXT MEETING.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Let the record note that the new design of the steps shall include the 1" bullnosing.

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

Owner/Applicant: Palm Beach Development Group

Address: 222 Phipps Plaza

Architect: Mr. Eugene R. Fagan

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

Mr. Eugene Fagan, Architect, and Mr. Steve Parker, Landscape Architect, presented additional changes to 222 Phipps Plaza subsequent to the Town Council's granting of required variances. Mr. Fagan reviewed the room additions as requested. The existing gabled roof in the rear of the property will be changed to a hipped roof. Mr. Smith commented that the rear roof climbs too high, and suggested it be flattened out somewhat. Mrs. Frost-Golino made a similar comment regarding the front elevation...that the chimney and roof are too high, and suggested that they likewise be flattened somewhat. Mr. Fagan noted that the front entrance wall was not drawn correctly on the elevation, but that it will remain curved as it exists. Mr. Pandula noted that some of the plans show outlookers while others do not. Mr. Fagan indicated that the outlookers will remain.

Mr. Fagan stated that this property is actually a two-unit property due to the apartment in the rear which has been rented for the last five years. There is an office within the main house. Mr. Moore noted, for the record, that the main house is a principal residence with an office area which is for the use of the resident. It is not a commercially licensed office space.

Mr. Steve Parker, Landscape Architect, reviewed the plans for landscape and hardscape to include walkways and various fountains. There will be a new entrance walkway with fountain and seating wall. There is currently a dysfunctional fountain in this location which will be removed. The interior courtyard will contain a central fountain with benches and two wall fountains. The rear of the property will be heavily landscaped to mitigate the effect of the parking garage. Mr. Parker referred to the landscaping as a very balanced design which does not entirely screen the house. Mrs. Frost-Golino felt that three fountains in the courtyard were a bit of overkill. Mr. Smith objected to the number of fountains planned for the site. The Commission asked the applicant to return next month with the fountain requests, and to have available pictures of the existing fountains on the site as well as the neighboring property fountains, and interior elevations of the courtyard. Mr. Smith questioned the formality of the landscape and hardscape plan as a whole with respect to its relationship to the more casual Phipps Plaza.

Mrs. Polly Earl, Director of the Preservation Foundation, stated that this situation is a classic example of an applicant's need to pursue original sources, i.e., original plans. Mr. Ross, the owner, indicated that he had spent a good deal of time in this type of research. She indicated that all of the Shoumate plans are on file at Seagull. She suggested that other Shoumate fountains might be

appropriate for this location, even though they were designed for a different Shoumate house.

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

MOTION SECONDED BY MR. PANDULA.

Then the motion was amended by Mr. Silverman and seconded by Mr. Pandula as follows:

MOTION AMENDED BY MR. SILVERMAN TO INCLUDE THAT THE PROPERTY IS A ONE-FAMILY PROPERTY, AND THAT THE OFFICE INCLUDED WITHIN THE HOUSE IS FOR THE EXCLUSIVE USE OF THE RESIDENT.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

At one point, it had been suggested by the applicant's representatives that the members go to the site. Ms. Biagiotti informed the LPC members that members cannot go to any project site on an individual basis, and in fact, to do so would be illegal. Site visits can only be made during a regularly scheduled LPC meeting or during a special meeting. This prohibition is subsequent to a ruling by the Florida Supreme Court, and applies to the LPC as a quasi-judicial body, in that the commission sits as judge to either accept or deny matters brought before the commission, and these matters deal with land, the use of land, the owner's rights and the public's rights. The LPC members, as judges, cannot do their own research relative to matters brought before them. They must base their decisions on the evidence presented during the hearing. It was clarified, however, that members still have the ability to review application drawings (at the Building Dept.) in advance of the meeting because the general public also has this capability due to the required legal advertisement printed in the newspaper.

E. Application for Certificate of Appropriateness No. 14-95, Awnings

Owner/Applicant: Power-Love Assoc.

Address: 256 Worth Avenue

Contractor: American Awning

Project Description: Request approval of fabric awnings on second story windows on west and north facades of courtyard, and other associated changes as presented

Mr. Joe Mattei of American Awning Company presented three awnings on the second floor levels of the Gucci courtyard. The awnings are requested to protect the doors in these locations and add color.

○ Though beige, to match the building, was the original request, Mr. Mattei also brought two shades of green, one a hunter green and one a dark green, with the dark green preferred. The LPC questioned why shed style awnings are proposed to cover rounded openings. Mr. Mattei stated that round awnings could be used, but they will not provide the protection that a shed awning will.

Mr. Frank commented that this property was landmarked in early 1988, despite the owner's objections. At that time, the courtyard had a hodge-podge of half attached aluminum awnings. There has been a desire, on the part of the LPC since that time, to draw the courtyard together and mitigate the hodge-podge.

MOTION BY MRS. FROST-GOLINO TO APPROVE THE AWNINGS AS REQUESTED, BUT IN THE BEIGE COLOR, TO MATCH THE BUILDING.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 15-95, Pavilion and Awnings

Owner/Applicant: Mr. Robert Kanuth

Address: 1 Via Mizner

Architect: Mr. Ellis L. Schmidlapp, Architect

○ Project Description: Request approval of free standing iron pavilion with white awning roof on south terrace, awning over dining room windows at south terrace, and other associated changes as presented

The Architect had informed staff that the owners have withdrawn the pavilion request. The awning request will be handled as a staff approval, as it will be an exact replacement.

MOTION BY MRS. METZGER TO REMOVE THIS ITEM FROM THE AGENDA.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 16-95, Awning

Owner/Applicant: Mr. Michael S. Fawcett for Aperretar, S.A.

Address: 196 Banyan Road

Architect: Mr. Ken Brower

Project Description: Request approval of canvas awning off the kitchen in the courtyard, and other associated changes as presented

Mr. Raphael Saladrigas of Mr. Brower's office presented this request for an 11'x 13' canopy to occur outside the kitchen. The canopy color will match the building color.

○ [Let the record show that Mrs. Metzger left the meeting at 10:53 a.m., before the motion on this item.]

MOTION BY MS. SHIELDS TO APPROVE THE AWNING AS REQUESTED.  
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.  
MOTION CARRIED UNANIMOUSLY.

VI. Designation Hearings:

Item 1: 1095 North Ocean Boulevard  
OWNER: Estate of Mrs. Rose F. Kennedy

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

Ms. Biagiotti stated that oral arguments will be heard today at 12:30 p.m. before Judge Baker. A deferral is therefore in order.

MOTION BY MRS. FROST-GOLINO FOR DEFERRAL TO THE APRIL MEETING.  
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.  
MOTION CARRIED UNANIMOUSLY.

Item 2: 240 Cocoanut Row  
OWNER: Board of Public Instruction

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

Mr. Frank read a letter into the record from Mr. Lawrence Zabik, Assistant Superintendent Support Services, wherein he requested a deferral of this matter to the April meeting. Within the letter, however, Mr. Zabik advises the Town that the School District believes it is not subject to local ordinances pursuant to Florida Statutes 235.01 et. seq. Ms. Biagiotti stated, for the record, that "it is the Town's position that nothing in the Florida statutes immunizes the School Board from complying with or being subject to the Landmark Ordinances of the Town."

MOTION BY MR. SILVERMAN FOR DEFERRAL TO THE APRIL MEETING.  
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.  
MOTION CARRIED UNANIMOUSLY.

VII. Other Business:

A. Informal Review: 1300 South Ocean Boulevard, Casa Apava  
Informal review of south pool

Mr. Smith declared a conflict with respect to this matter as he is an associate architect for the project. He passed the gavel to Mr. Pandula. Mr. Robert Deziel, attorney for the applicant, stated that the LPC had previously approved a new wing and a pool to be placed on the south side of the property. Those plans were abandoned. Now, however, the owner has elected to place a larger pool (33'8" wide x 48'8" long) in nearly the same location as was previously approved. Mr. Deziel sought LPC comments relative to the pool's location and configuration. Details will be discussed at the April meeting. The pool is 30' from the property line, which is 20' more than the

○ sensitive in the placement of the pool equipment due to noise, and to use sound screening. Mrs. Albarran de Mendoza commented that the location is fine, but the pool seems very wide in comparison to its length. The commission had no serious concerns relative to the pool's location or configuration.

B. 1995 Preservation Celebration

Mr. Frank reported that the celebration will occur during the third week of May. The theme will be..."Yes, you can change!" There will be a reception and lecture at the Society of the Four Arts and site visits to one or more landmarked homes. Mrs. Cathleen McFarlane has offered her property, 456 Worth Avenue, for tour during the event. Once again, donations will be solicited as this event is not included in the Town budget.

C. Introduction to the Landmarks Preservation Commission

Mr. Frank, for the benefit of the new members, gave a brief overview of the LPC, its duties, and typical actions, and contrasted it ARCOM. Mrs. Jane Day, Staff Preservation Consultant, introduced herself to the members and described her role with respect to designations, grants, etc.

D. Tax Deferment for Landmarked Properties

○ Mrs. Polly Earl of the Preservation Foundation provided an update relative to the tax deferment issue for appropriate restorations of landmarked properties. She stated that there is a move afoot to have the deferment extended to the County taxes, rather than just local taxes. Mr. Moore stated that Staff certainly supports the County's adoption of the deferment and supports the Preservation Foundation's efforts in this regard. Mr. Frank clarified that the tax deferment applies to only the amount of taxes that would be increased due to restoration done. Only the ad valorem taxes are affected, not the school taxes. The restorations must follow the Secretary of the Interior's Standards in order to qualify for the deferment.

VIII. Adjournment:

MOTION BY MR. SILVERMAN TO ADJOURN AT 11:25 A.M.  
MOTION SECONDED BY MRS. GRACE.  
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be heard on WEDNESDAY, APRIL 19, 1995 at 9:00 a.m., in the TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,

○ Eugene Pandula  
Secretary

cmd

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

|                                                              |        |                                                                                                                                                                                                                |  |
|--------------------------------------------------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><u>SMITH, JEFFERY W.</u> |        | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><u>LANDMARKS PRESERVATION COMMISSION</u>                                                                                                        |  |
| HOME ADDRESS<br><u>241 SANFORD AVENUE</u>                    |        | THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| CITY<br><u>PALM BEACH</u>                                    | COUNTY | NAME OF POLITICAL SUBDIVISION:<br><u>Town of Palm Beach</u>                                                                                                                                                    |  |
| DATE ON WHICH VOTE OCCURRED<br><u>3-15-95</u>                |        | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

### ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

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

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

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

☐ You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

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

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, JEFFERY W. SMITH, hereby disclose that on 3-15, 19 95:

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

☐ inured to my special private gain; or

☒ inured to the special gain of LARRY CUMMINGS, by whom I am retained.

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

Date Filed

3-15-95

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 OF INTEREST COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                              |                             |                                                                                                                                                                                                                |  |
|--------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><i>SMITH, JEFFERY W.</i> |                             | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><i>LANDMARKS PRESERVATION COMMISSION</i>                                                                                                        |  |
| NO ADDRESS<br><i>241 SANFORD AVE</i>                         |                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| CITY<br><i>PAUM BEACH</i>                                    | COUNTY<br><i>PAUM BEACH</i> | NAME OF POLITICAL SUBDIVISION:<br><i>Town of Paum Beach</i>                                                                                                                                                    |  |
| DATE ON WHICH VOTE OCCURRED                                  |                             | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE                                                                                                               |  |

*Minutes file*

## WHO MUST FILE FORM 8B

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Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

### ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

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

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

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

You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form should be provided immediately to the other members of the agency.

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

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, JEFFERY W. SMITH, hereby disclose that on 3-15, 19 95:

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

☐ inured to my special private gain; or

☒ inured to the special gain of RONALD PERELMAN, by whom I am retained.

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

Date Filed

3-15-95

Signature

JEFFERY W. SMITH

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.

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

Owner/Applicant: Palm Beach Development Group

Address: 222 Phipps Plaza

Architect: Mr. Eugene R. Fagan

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

Mr. Eugene Fagan, Architect, and Mr. Steve Parker, Landscape Architect, presented additional changes to 222 Phipps Plaza subsequent to the Town Council's granting of required variances. Mr. Fagan reviewed the room additions as requested. The existing gabled roof in the rear of the property will be changed to a hipped roof. Mr. Smith commented that the rear roof climbs too high, and suggested it be flattened out somewhat. Mrs. Frost-Golino made a similar comment regarding the front elevation...that the chimney and roof are too high, and suggested that they likewise be flattened somewhat. Mr. Fagan noted that the front entrance wall was not drawn correctly on the elevation, but that it will remain curved as it exists. Mr. Pandula noted that some of the plans show outlookers while others do not. Mr. Fagan indicated that the outlookers will remain.

Mr. Fagan stated that this property is actually a two-unit property due to the apartment in the rear which has been rented for the last five years. *(There is an office within the main house. Mr. Moore noted, for the record, that the main house is a principal residence with an office area which is for the use of the resident. It is not a commercially licensed office space. per RIM, 1/10/96, the resident can have a licensed office there.)*

Mr. Steve Parker, Landscape Architect, reviewed the plans for landscape and hardscape to include walkways and various fountains. There will be a new entrance walkway with fountain and seating wall. There is currently a dysfunctional fountain in this location which will be removed. The interior courtyard will contain a central fountain with benches and two wall fountains. The rear of the property will be heavily landscaped to mitigate the effect of the parking garage. Mr. Parker referred to the landscaping as a very balanced design which does not entirely screen the house. Mrs. Frost-Golino felt that three fountains in the courtyard were a bit of overkill. Mr. Smith objected to the number of fountains planned for the site. The Commission asked the applicant to return next month with the fountain requests, and to have available pictures of the existing fountains on the site as well as the neighboring property fountains, and interior elevations of the courtyard. Mr. Smith questioned the formality of the landscape and hardscape plan as a whole with respect to its relationship to the more casual Phipps Plaza.

Mrs. Polly Earl, Director of the Preservation Foundation, stated that this situation is a classic example of an applicant's need to pursue original sources, i.e., original plans. Mr. Ross, the owner, indicated that he had spent a good deal of time in this type of research. She indicated that all of the Shoumate plans are on file at Seagull. She suggested that other Shoumate fountains might be

appropriate for this location, even though they were designed for a different Shoumate house.

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

MOTION SECONDED BY MR. PANDULA.

Then the motion was amended by Mr. Silverman and seconded by Mr. Pandula as follows:

MOTION AMENDED BY MR. SILVERMAN TO INCLUDE THAT THE PROPERTY IS A ONE-FAMILY PROPERTY, AND THAT THE OFFICE INCLUDED WITHIN THE HOUSE IS FOR THE EXCLUSIVE USE OF THE RESIDENT.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

At one point, it had been suggested by the applicant's representatives that the members go to the site. Ms. Biagiotti informed the LPC members that members cannot go to any project site on an individual basis, and in fact, to do so would be illegal. Site visits can only be made during a regularly scheduled LPC meeting or during a special meeting. This prohibition is subsequent to a ruling by the Florida Supreme Court, and applies to the LPC as a quasi-judicial body, in that the commission sits as judge to either accept or deny matters brought before the commission, and these matters deal with land, the use of land, the owner's rights and the public's rights. The LPC members, as judges, cannot do their own research relative to matters brought before them. They must base their decisions on the evidence presented during the hearing. It was clarified, however, that members still have the ability to review application drawings (at the Building Dept.) in advance of the meeting because the general public also has this capability due to the required legal advertisement printed in the newspaper.

E. Application for Certificate of Appropriateness No. 14-95, Awnings

Owner/Applicant: Power-Love Assoc.

Address: 256 Worth Avenue

Contractor: American Awning

Project Description: Request approval of fabric awnings on second story windows on west and north facades of courtyard, and other associated changes as presented

Mr. Joe Mattei of American Awning Company presented three awnings on the second floor levels of the Gucci courtyard. The awnings are requested to protect the doors in these locations and add color.