

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, JANUARY 20, 1999

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

I. Call to Order: The meeting was called to order at 9:03 a.m. by Chairman Jeffery W. Smith.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Vice Chairman
Lindley M. F. Hoffman, Secretary
Arthur Silverman, Member
Elizabeth Shields, Member
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Nikita Zukov, Alternate Member
Ann Lilja, Alternate Member
Ann Blades, Alternate Member
Clay Brooker, Attorney representing the Town
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the December 16, 1998 Meeting:

MOTION BY MR. SILVERMAN APPROVING THE MINUTES AS MAILED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED 6-0-1, WITH MR. HOFFMAN ABSTAINING AS HE WAS ABSENT IN DECEMBER.

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

V. Public Hearings:

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

Owner/Applicant: Mr. Jeffery Fisher

Address: 255 Clarke Avenue

Landscape Architect: Wheelock, Sanchez & Maddux

Project Description: Approval as follows:

1. Approval of Landscape/hardscape plan to include addition of new brick terrace, removal of the

existing pool and relocation of new pool, and add several new fountains.

2. North Facade: Remove insensitive 1984 addition, tower element on northeast corner, removal of an addition of a room and roof terrace, and removal of spiral stair
3. South Facade: Remove closet addition and open original loggia
4. West Facade: Change flat roof to hip: door and window changes
5. East Facade: Remove portion of bar & install set of french doors & recess glass enclosure
6. Any other associated changes as presented

September meeting: motion approving the architectural aspects of the project, excepting the exterior butt glazing system on the rear loggia which was deferred to the October meeting, with the comment that the applicant should either center the glass in the arches or re-study for possible interior mounting. Also a motion for approval of the landscape/hardscape with the proviso that the pergola is proportioned as was presented. **October meeting:** motion for deferral of the remaining items to the November meeting. **November meeting:** deferral to the December meeting. **December meeting:** Motion for approval of butt glazing system for loggia as presented (keeping in mind the suggestions made by the LPC relative to the choice of cypress as a material and the use of a transom); deferral of the stair issue for further research into the zoning issues involved, and approval of the centered pair of doors at the dining room with the condition that it not be an elliptical arch as shown.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Frank explained that the reason this item was on the agenda again was due to the deferral of the stair issue for further research into the zoning issues involved. Since the last meeting, Mr. Paul Castro, Zoning Administrator, and Mr. Harry Ackerman, Assistant Building Official, determined that a variance is not required for the stairs. As such, Mr. Frank will be as able to staff approve the stairs as submitted, thereby allowing the issuance of this Certificate of Appropriateness.

MOTION BY MRS. ALBARRAN DE MENDOZA TO REMOVE THE STAIRS FROM THE REQUEST, AS THEY WILL BE STAFF APPROVED, THEREBY ALLOWING ISSUANCE OF THE CERTIFICATE OF APPROPRIATENESS.

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

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

Owner/Applicant: Leta A. Foster

Address: 345 Pendleton Avenue

Architect: Wheelock, Sanchez & Maddux

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

Please note that there was a motion at the November meeting for a deferral to the December meeting to allow for a complete presentation. At the December meeting, there was a motion for approval of the project as presented, with the contingency that the applicant returns with the planting plans, and to do a double check on the green space in the front yard.

APPLICANT REQUESTS DEFERRAL OF THE REMAINDER OF THE PROJECT, I.E., THE PLANTING PLAN AND GREEN SPACE CALCULATIONS, TO THE MARCH 17, 1999 MEETING.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

MOTION BY MR. PANDULA FOR DEFERRAL TO THE MARCH MEETING.

MOTION SECONDED BY MS. SHIELDS.

⓪ MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #24-98 (deferred from June, July, Aug., Sept. & Oct.)

Doors/windows, pool, terraces, driveway & gates

Owner/Applicant: Mr. and Mrs. Robert Miller

Address: 105 Clarendon Avenue

Architect: SKA Architect & Planner (*Voting Conflict previously declared by Mrs. Albarran de Mendoza*)

Project Description: Request approval of the following remaining items:

1. New gates (deferred from the October meeting)
2. Other associated changes as presented

Previously approved items from the June meeting:

1. Revision of previously approved courtyard door and family room windows/doors
2. New pool and garden terraces
3. New driveway

Previously approved items from the September meeting:

1. Landscaping and driveway change approved

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

⓪ Mr. Frank read a letter into the record wherein the applicant requests deferral to the February meeting.

MOTION BY MR. PANDULA FOR DEFERRAL TO THE FEBRUARY MEETING.

MOTION SECONDED BY MS. SHIELDS.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #1-99.

Landscape/Hardscape

Owner/Applicant: Mr. Robert Fessler

Address: 920 South Ocean Boulevard

Landscape Architect: James F. Smith

Project Description: Request approval of revisions to landscape/hardscape layout with addition of patio at beach cabana and spa at pool, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

As no one was present on behalf of the applicant when the item was called....

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

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

⓪ After when the item was re-called, Mr. Jim Smith was present on behalf of the applicant. He presented various historical photographs of the property showing the landscape at that time. Originally the property was planted with

native plants and cocoanuts. The lawn had originally been a very open front lawn, but has, in recent years, been walled in and divided into sections. Mr. Smith's plan would return the landscape to mimic its original appearance. He plans to frame the architectural features with landscaping, preserving views of the building and views from the building. Cocoanuts with 10'-20' of clear trunk will be planted.

As for hardscape, random coral paving, which was original to the courtyard, will be added once more. A spa, which is slightly raised from the pool level with water flowing down into the pool, will be added to the north side of the pool. It was noted that there is an existing fountain in that courtyard as well.

Mr. Jeffery Smith commented that spas, if they are constructed at all, should always be downplayed, not raised up as is proposed. Mr. Jim Smith stated that the spa supplies what he called the needed "activity" in the courtyard. Mr. Jeffery Smith felt that the existing fountain offers all the activity that is needed there. Ms. Lilja also felt that the spa detracts from the fountain, and should be minimized. Mrs. Albarran de Mendoza commented that she would rather that the spa not be raised, but she had no problem with it being placed there. Mr. Smith relented stating that if the spa was at the same level of the pool, he would not vote against it.

On the existing 5' perimeter wall, they plan to change the existing cap detail. The new cap will be better detailed. The LPC did not like the new cap design as shown, as they felt the apron was too long and the top of the cap should be tapered down on each side. They also plan to re-finish the existing smooth wall to have a stuccoed mottled appearance.

At the beach cabana, there is an existing small brick area which is so small it is barely usable. The plan is to expand the paved area at the cabana using the random coral paving. He explained that they have tentative approval from the state for this change, as the State personnel felt the change was so simple it could be approved at the local level. Mr. Smith is in the process of doing that now. Cocoanuts and a lawn will be added to the landscaping at the beach cabana.

Mr. Smith asked about the tile to be used on the spa and/or pool. Mr. Jim Smith was not prepared with samples. Mr. Jeff Smith told him he would have to come back with the samples.

Mr. Zukov inquired as to whether the owner would agree to eliminate the spa from the request. Mr. Chris Lapinski from Fair Dinkum Construction, contractor on the job, was seated in the audience. He was sworn for testimony. He stated that there is no problem with eliminating the spa. If the spa is eliminated, however, there will still be an upgrade to the existing pool, including a tile change.

MOTION BY MRS. WILKEY FOR APPROVAL OF THE LANDSCAPING, PAVING MATERIALS SURROUNDING THE POOL AND FOUNTAIN AND AT THE BEACH CABANA, AND THE CAP FOR THE WALL AS MODIFIED WITHOUT THE APRON AND WITH A PITCHED TOP.

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

Mr. Smith also stated that the existing brick driveway is actually done in brick pavers. They plan to use proper bricks in a basket weave pattern, using Old St. Louis brick and Old North Carolina brick.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE BRICK DRIVEWAY AS PRESENTED WITH THE PROVISIO THAT THE BRICK SAMPLE BE BROUGHT BACK TO THE COMMISSION FOR REVIEW.*

MOTION SECONDED BY MR. PANDULA.
MOTION CARRIED UNANIMOUSLY.

*IT WAS NOTED THAT THE COMMISSION WANTED TO SEE THE RE-DESIGN OF THE WALL CAP AS WELL AS THE TILE SAMPLES WHEN THE APPLICANT RETURNS TO THE COMMISSION.

VI. Designation Hearings:

Item 1: 173 Root Trail

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

Please note this item was deferred from the November and December 1998 meetings.

Mr. Frank acknowledged that proof of publication and proper legal service were achieved with respect to this hearing. He commented that staff finds insufficient evidence to support designation of this property based on the criteria in the Town's ordinance.

MRS. JANE DAY (STAFF PRESERVATION CONSULTANT): Instead of a slide this morning, we have a handout that T.J. Fisher brought...very recent color photographs of the house so you know exactly what it looks like now that the restoration is complete on it. The only other new information that I have is that Ms. Fisher also brought to my attention a list of all of the property transfers for the Roots Subdivision. When you go back through that from the very early part of this century up until the present time, you do find, at one point, that E.M. Brelsford, who was a major developer within the Town of Palm Beach, owned the lot, sold it to the O'Hara's. He goes on later to subdivide and plot Brelsford's tract. I don't believe that's enough on its own to designate the property under the historic designation, but I leave it up to you. And I know that T.J. is here this morning, and again I applaud her for the work that she has done on this house and her enthusiasm with our landmarks program, but I have to leave this decision in the hands of the Landmarks Commission. First, however, I'd like you to hear from T.J. Fisher.

T.J. FISHER, (PROPERTY OWNER): Good morning. Here I am again. I'm here to speak on behalf of my house because something about it just drives me on. It is one of the oldest houses in this town, and it is on one of the oldest streets in this town. I've done everything that I can do to bring this to you. Now I leave it up to you to insure that this piece of history and this historical character of this part of Palm Beach is not lost. This house has withstood the shifting sands of time long before any of us was born, since the early 1900's. It's been both a commercial and a residential structure. We cannot verify that it was indeed a telephone/telegraph station. There were some records that Jane found...it was at one point a print shop before 1920. There are a lot of clues and mysteries that have not been verified and have not been proven, but as you know, some of the most important things in life can't always be proven, but you know that they are. You know that they exist. This house, like I had said before, doesn't have a famous architect. Some of the people that my fingers touched their names that have passed the property through...they may have been famous. We may not know, but what the house symbolizes to me and I think to this town is the collective consciousness of the more common people that were an important fabric of this Town. And I realized that when I came behind the Koch mansion yesterday. I had an idea...to me, one of the strongest reasons to landmark this property...if a person had the time, the money, the inclination, they could duplicate a Koch mansion. You could never duplicate this house in the Town of Palm Beach. Once it's torn down, if it's ever torn down, it's gone. If I went before ARCOM with this footprint of this size house, it would not be approved. If I went before them with a total wooden structure, which existed here before 1918, it would not be approved. And I have gone the extra mile to return everything as historically as possible, from the wood roof to the wood fence. And you can't believe the battles I've had, even on the fence...the people that insisted it's got to be PVC. I went to ten fence companies. I said no I don't want PVC. I want wood. Probably, in essence, if anyone were to buy the house, I'd probably hurt the value by taking away the vinyl and making everything wood because yes, it's something very

special. People like low maintenance, and this is very, very high maintenance. There is something weirdly magical and captivating about the house that I have no explanation for, but it has become the stop, stare and point house here in town among all the grandeur and the mansions. And I think, again there lies a specialness because maybe in other parts of the country where there are a lot of little wooden pink houses, it's not so special, but here it is special. The story and current day...that when people come to town they have a little more of the history and educational value of Palm Beach....that everyone was not the gods and goddesses of the past, and the luminaries, and the glitterati...that there were little cottages here and there still are little cottages here. Let's see, what else do I want to say? As I said again, to me, it's the most symbolic symbol of the panorama of our past, and the designation, because I'm a lay person, maybe I don't quite understand the higher level that you as professionals read into the requirements for landmarking. But to me, the word "broad" symbolizes the broad cultural and social history of this town. I can't think of a better symbol of the broad history of this town. And there is nothing quite like it landmarked. Yes, there is one, I believe, three story wooden structure on Root that is landmarked, but certainly a different type of person would have lived there than would have lived in this cottage or worked in this cottage. The one bedroom in the house, which we believe was the most original part of the house, as it is, the footprint, as it is, was shown in 1917, so that was pre-1917. When I went to remodel, it had 34 electrical sockets in a ten by ten room. So, to me, that's very strong evidence that it was the print shop, the phone station or something very historically significant as one of the first commercial structures in this town. So, I hope that you find a reason to insure its survival and preserve it. And I've gotten what I wanted out of the house. I will go on to enjoy it no matter what happens, but it's more for the town...to bestow something special on the house because people already know it's special. When they come by, they photograph it...from the priests of the church to a lot of visitors in town that are from other countries that can barely speak English, but yet they find a way to tell me...you know...to point and tell me how wonderful it is and take pictures. And last time I had tried to express something so special about this house and it was hard to express and then the next morning, I believe it was two months ago, I was on a plane to New York, and I pick up the Shiny Sheet, and I'm like, Oh, my God!....there it was....headlines. It just grabs people. And the lady that took that picture...she's been after me for a month. She wants to do a full page pictorial. I said why, with all the mansions in town, why would you want to do a full page pictorial on this house? She said, "I don't know. It's just special." Thank you. This is the sign that was retrieved. It's circumstantial evidence. It was buried under the house and it was authenticated by the phone company as being pre-1920, but the records do not go back as far to document was it a switching station or was it a storage station, or what was it. And I have driven them crazy for eight months and the records just do not exist. Thank you.

JANE DAY: I just want to say one more thing. When you're doing historical research, T.J.'s exactly right. There's a certain point where the records stop for one reason or another. There was a major hurricane in this area in 1928 and a lot of the records were destroyed. The town didn't have building records before 1919. So, there may be other things out there, but in the realm of this Landmarks Commission, I haven't found them, and as T.J. said, there's a lot of emotional things in this house. It does represent that early part of Palm Beach history, but again, I have to leave it up to you as commissioners.

MR. SMITH: Thank you, Jane.

MRS. WILKEY: May I say something?

MR. SMITH: Yes, please.

MRS. WILKEY: I think that I'm inclined to think that the view that we could use the term "broad" very broadly, and since this is an area where perhaps the workers for the big mansions lived, I think it does deserve our consideration.

MR. SMITH: Let's first, before we get into discussion, let's first move that the designation report be made part of

the record. Can we do that?

MRS. DAY: Yes.

MR. WILKEY: I MOVE THAT WE MAKE....LET'S SEE....WHAT IS THE NUMBER OF THE HOUSE?...

MR. SMITH: 173

MRS. WILKEY: 173 ROOT TRAIL PART OF THE ...BE MADE PART OF THE RECORD....THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

MR. SMITH: There is a motion on the floor. Is there a second?

MRS. ALBARRAN DE MENDOZA: SECOND.

MR. SMITH: All in favor?

ALL: AYE

MR. SMITH: Opposed?

No response

MR. SMITH: O.K. Then are there any other witnesses regarding this property? Hearing none, now, comments.

MR. WILKEY: Based on the very broad cultural and I guess it was maybe the political atmosphere of this time, I think that this house deserves to be considered. And I think that T.J. is correct. If that house were to go, it could not be replaced, and it certainly is an important symbol of what did exist at that time.

MR. SILVERMAN: I have a question. Is this house going to be used as a rental or sale or...?

T.J. FISHER: It's going to be my guest house. I purchased this house three months before I wound up purchasing the house behind it, so that's kind of putting the cart before the horse. And actually, it's going to be my guest house. The two properties do touch and connect. Also, I forgot to say, thirteen has always been my lucky number. This is Lot 13, but unfortunately, I'm in the thirteenth month of restoration. So, hopefully, this will be the end. I'm ready to get my C.O. And I also want to, not to embarrass him, but there's the gentleman back there, my husband, who wanted to tear it down for a garage, and now when I can't find him, I find him in the street in front of the house just staring at it, kind of under its spell. So, it's got him under its spell too. Thank you.

MRS. DAY: Let me read for you, since Mrs. Wilkey brought it up, what criteria (a) says...criteria (a) says, "the property exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town." It's been traditional since I've been here in 1992, not to use just one criteria to designate a house, but if there were a criteria that you could designate this property under, it would be under criteria (a).

MR. SMITH: Thank you, Jane. Beth?

MS. SHIELDS: I wonder also about criteria (c), Jane, where it embodies distinguishing characteristics of an architectural vernacular or type.

MRS. DAY: I think that the house has been altered enough from its original form as a printing office that if you saw the original picture of it...T.J.'s done such a great job making it her guest house that it no longer has that vernacular style. I mean we don't know what the original windows were. This all went to ARCOM for approval before it came up for designation. I don't know...I doubt whether it had the gingerbread at the roof line...those kinds of things, so I were to designate it, I would prefer just criteria (a).

MR. MOORE: Point of clarification, Mr. Chairman, that would be our staff preference, but if the commission felt they wanted to go further than that, they would be entitled to do that.

T.J. FISHER: I wanted to mention, too, I have, in the past year, worked very closely with Tim Frank and with Jane because I never had any experience with a historical structure to try and do everything historically correct as far as everything to wood, the flower boxes to wood, and of course, some of it...I wanted it to be somewhat personal, and the only thing I could not duplicate....I did put the copper gutters on and Jane told me in that time, they would have been wooden gutters, which I couldn't get anything like that built now.

MS. SHIELDS: I agree that this house is symbolically important to this town because of what it represents, and that is all the small buildings that are early buildings that represent the history of this place, and the people who built this town and lived in the town. So, for that reason, I think that we should consider landmarking it.

MR. SMITH: Lindley?

MRS. ALBARRAN DE MENDOZA: I have a question also. Do we know if the facade of the house, at least, was this shape, if I were to do an outline of the house?

MRS. DAY: Yes, the footprint looks exactly like the 1917 Sanborn map.

MRS. ALBARRAN DE MENDOZA: Because we've always commented as, you know, the little details and bric a brac that people might add are very easily removable, so to me, that does not take away at all from the actual structure of the facade, so I agree that it should be landmarked.

MS. SHIELDS: I guess one other question...I know we talked at the last meeting or so about the notion of a district for all of Root Trail because it is such an important street and such a special street in this town. And I just wonder, again, whether or not that's a possibility.

MR. FRANK: I think I can address that. Essentially, both the Secretary of the Interior's standards and our ordinance, when you do a district, you have a pretty clear cut district and you have to have a significant percentage of representation. The problem with Root Trail, although there are some very charming houses and so forth, it probably doesn't meet the 60-80% threshold that the Secretary of the Interior's Standards insist on. As a matter of fact, it probably doesn't even meet a 40% threshold, and that's our problem with the district. That's been our problem all along. Most of the houses on Root Trail, not only have they been altered, but they've been substantially altered, almost doubled in size many of them, and in many of the cases, inappropriate materials have been used in the past.

MS. SHIELDS: Nonetheless, that street really holds together as a very special place and the character of that street is still pretty much in tact in my view. I don't know if we've looked at it very, very closely or whether or not that merits some more attention in terms of looking at that street as a whole and the contributing buildings.

MRS. DAY: It was first brought up as a potential district in 1986, and the letters for that are in the file, and the property owners were polled about that, and I don't know what the details were, but I understand there wasn't owner

support and it stopped after the initial letters of inquiry. I think that what we have to do today is decide on whether or not this house is worthy as a landmark on its own, because that's what's brought before you, and then next season, if you want to look at Root Trail as a district, then that should be something that should be proposed for the next season.

MS. SHIELDS: But there's always the opportunity to defer this until we look at the street as a whole.

MRS. DAY: There is.

MS. SHIELDS: I mean was it 1986 when you last...

MRS. DAY: I wasn't here.

MS. SHIELDS: Or when the record indicates that we last checked, and since that time there's been an owner that came before us with the notion of doing a landscaping plan for the street and some other improvements, and I just don't know where that stands.

MRS. DAY: Well, there are two other properties that I have designated since 1992 on this street that are frame vernacular houses, and if you'll look at your designation reports for next month, the two that were brought up by that gentleman who wanted the landscape plan. Again, I have said that I don't believe that they're worthy of designation, that they have been drastically altered. It's a difficult street to research, but of course, it's up to the Commission, if you would like to defer the Fisher property until next season, or as I would prefer, for you to make a decision on that today, and then if it does become a district next year, if we study it and it does, this could always be included.

MR. MOORE: In addition, Mr. Chairman, I wouldn't want you to count on that district issue. That's a fairly controversial matter and I've got to check, and I don't want to put you off on this today, but I have to check with what Mrs. Day is referring to...is if we actually considered it. I didn't remember considering it, but if we did consider it, we can't go back. We have to take them on an individual basis...and we'd be precluded, estoppel, as you remember. O.K.

MS. SHIELDS: I don't remember if we did or not.

MRS. WILKEY: I would rather that we would go ahead with this particular property now, and if we're going to discuss the street as a whole, that we do that at a later date.

MR. SMITH: I agree.

MRS. ALBARRAN DE MENDOZA: I believe that the shape of this house is what's important about the house. I mean I can see that this house could have been re-done with french doors, with two small windows, with this one large window, anyway, and it still would not have lost that personality that it has as a tiny, tiny, little facade, because that has not changed. So, that's why I believe that.

MR. FRANK: Mr. Chairman, if I could sort of tack on to the comments, too, about this particular area and the district...it's interesting to point out, I think, Root Trail is a relatively short, small street in this town, and Jane Day has already expressed that through the efforts of this commission, we've landmarked two houses on Root Trail and it should also be noted that some of the properties on Root Trail go to Grace Trail and have Grace Trail addresses, namely Bienestar condominium and 135...those are both landmarked, and on the other side of Root Trail, one of the properties goes all the way to the next street...I think it's Atlantic Avenue, and that's Warden House. That is also

landmarked. And so, we're talking about a very small area, all fronting on Root Trail, that has five landmarks. This is a pretty high occurrence of landmarking, in terms of percentages in the Town.

MR. SMITH: But those properties actually...those are the back doors...

MR. FRANK: That's right. That's correct, but I'm just saying, that shortens the exposure to the street, and these properties do touch on Root Trail, and so essentially, if you draw a radial circle around the street, there are a lot of occurrences of landmarks right in this area, even though we don't think they meet the criteria for a district.

MR. SMITH: Let me ask you here, is it true that if this house was destroyed by an act of God...fire or...could it be...I mean isn't there an ordinance in the town that you can build back exactly what you have because obviously it wouldn't meet any of the current zoning.

MS. SHIELDS: But not if it's destroyed by more than 50%.

MRS. WILKEY: Unless it's a landmark.

MS. SHIELDS: Unless it's a landmark.

MR. MOORE: Right, if we have it landmarked, then it can be reproduced to its same cubic content, the same base elevation, which is not a problem in this block, the 7.5 is not a problem here, but it would be entitled to be re-built if by fire, act of God...

MR. SMITH: That's if it's landmarked or if it's not landmarked?

MRS. ALBARRAN DE MENDOZA: If it's landmarked only.

MR. SMITH: See, what's the current if it's not landmarked...right now....

MS. SHIELDS: It cannot be built back.

MR. MOORE: No. It would not be classified as an individual single family residence, so therefore, it could not be built back.

MR. SMITH: It is a single family residence now, right?

MR. MOORE: No, I think it's a guest house.

MR. SMITH: This propertyis it...

T.J. FISHER: It's separate.

MR. SMITH: It's a separate property.

MR. MOORE: Oh, it is a separate property. I'm sorry. It could be re-built with a variance.

MR. SMITH: They need a variance. That's all.

MS. SHIELDS: But not (indiscernible)

MR. SMITH: Well, I can't imagine the Town Council would not allow a building to be

MR. MOORE: Reconstruction of a non-conforming building.

MR. WILKEY: You never know though. You never know.

MR. SMITH: Well, then, I think that there'd be a big law suit that a person lost their house and they can't build it back because they wouldn't allow it.

MRS. WILKEY: But if it's landmarked...

T. J. FISHER: I also forgot to say...you know...anything could happen. I hope I would never have to sell this house, but things happen like I've already spent far too much money. But if something happened in the future, it is adjacent to commercial property, and I eventually think that property will be re-built and whoever purchased or tore down or re-built that commercial, where the Frame Maker is in, would love to have that little piece to join with their property and rip this place down.

MR. SMITH: But this is R-C Zoning. Is that correct?

MR. MOORE: R-C.

MR. SMITH: So that's not a possibility.

MR. MOORE: No. It's not possible to use that property without re-zoning it for commercial parking.

MR. SILVERMAN: Are there any zoning problems there now on that street?

MR. MOORE: Excuse me?

MR. SILVERMAN: Are there any zoning problems on that street now?

MR. MOORE: Let me just make the statement that everything on that street is non-conforming. So, it's a problem, per se, in that respect that nothing on the street meets today's ordinances. So, that, in itself, you may want to call that a problem. You may not want to call that a problem, but for density, for setbacks, it's all non-conforming. I would like to just mention a couple of things, certainly from a zoning standpoint, since we're on zoning, and hopefully that will give commission members some other insight into this. And I've heard all the other discussions. I've had the discussions and certainly Jane and I've heard Mrs. Fisher's impassioned appeals to you, but if you take away the strict issue of our normal way of presenting these things to you, and you take away the passion of Mrs. Fisher's appeal, you have to shed that and take a look at the actual issue. This is a non-conforming building. There is no question about it... on a non-conforming lot. I think the issue of historic nature, whether this building has been altered today or whether it has been in a position to be absolutely constructed the way it was, I'm not sure that that's a criteria that you've held fast to in the past, that it absolutely must be restored with the exact same materials. However, the issue of whether this building could be re-built or not re-built would lay in the hands of the Town Council and I want you to understand that. In my opinion, without the landmarking you will have issues with the Town Council, or any of them would have issues. So, therefore, there is a cloud to that degree that would not be there if the structure were landmarked. So, there is a benefit in this particular case to the landmarking of this structure in this location. I just re-checked with Mrs. Day, and you've heard about the money that's been spent here, did money isn't really an issue unless there is a tax credit being applied for. In this case, there is no tax credit being applied for. It's straight out landmarking, not trying to seek a benefit from the county and from the town of the tax

deferment of the amount of money spent per the Assessor's final figure for ten years. So, somebody isn't in here trying to just use the system to take advantage of it, what a plus of landmarking is about. The last thing is...probably one of the most important things...and one of the most important messages this commission has tried to, even back in the days of Barbara Hoffstot, Judge Knott, Charles Simmons, Bob Ballinger...and that is the voluntary nature of (D)at's come before you. You've heard and we've heard through the years many, many, many people object to landmarking...some for very valid reasons as far as they're concerned, some because of not knowing what the landmark process is...not knowing what the benefits might be...but it's rare when you have such a tenacious individual who is before you, never mind the Town Council, in the aspect of landmarking the property with no real benefit dollar-wise coming back to them except for the fact that the house could be re-built if we had an act of God destroy it. So, I'd like you to consider that because you're trying to send a message....voluntary landmarking...that it's not a bad thing to do, and I'd like you to consider that in your thinking process here because I agree that item (a) is probably the only issue that you could really consider if you were going to landmark this. I think you could stretch it to item (c) as Ms. Shields has already talked about, but I think that if you are going to give it favorable consideration there are no hard feelings if you don't take the staff recommendation. In fact, it might be good not to take the staff recommendation sometimes

MR. SILVERMAN: There are no ulterior motives. I think we all understand that.

MR. MOORE: So, it's an atypical application. There's no question about it. But would it stand up with St. Edwards, Bethesda, Mar-a-Lago, the Breakers west facade, the Gucci building on Worth Avenue, and some of Mr. Smith's and Mrs. Albarran de Mendoza's and Mr. Pandula's and Mr. Hoffman's eventual landmarks? No, it won't but it is unique in that respect.

MS. SHIELDS: I'd like to add a couple points. One is that in other parts of the country corn cribs are landmarked if they help tell the story of important farmstead, for example. And this is an important building to the town just like (D)you know, in this collection of architectural types, just like the farm buildings and out buildings would be in other places. And the second point is regarding the pattern of development of that street. That street is atypical, is distinctive, is unique and rare in the Town of Palm Beach. It has a certain rhythm and sense of proportion that does not exist anywhere else in the town, and for that reason, that's why I keep pushing on the whole street, looking at the whole street as well, because it is distinctive and unique to this town. And the fact that it's non-conforming reminds me of Beacon Hill in Boston, which is also a non-conforming area of the City of Boston, according to its zoning ordinance, and in fact, everybody wants to live there, and the town would like to see it re-created. So, we might want to take a look at our zoning ordinance and if we'd like to see these kinds of places allowed in Palm Beach, but just those two points, I think, speak to the importance of this particular property.

MR. HOFFMAN: I'd like to add something here. I think it would be a shame if this place were torn down, and so, from my point of view, I would recommend landmarking it grasping at straws, perhaps, for the possibility that it was something historical prior to any records being taken. We don't know that it wasn't and I'd just as soon give it the benefit of the doubt.

MR. PANDULA: Well, I would agree with that. On the other hand, I think, and maybe the broad cultural criteria that we're talking about takes on a little more validity in the context of the street, because I think perhaps the whole street had some broad cultural positive aspects to it as opposed to individual architectural elements. The thing that I think we need to be careful of though is that when people see a landmark and they walk by it, they are hooked by the visual quality of it, and although this is a very attractive renovation, it may or may not look anything like what was originally there. So, in a sense, we've got some false advertising. We're saying well we've got a footprint that's accurate, and we know it was a small one story frame building, but it may not have looked anything like this. So, (D)think somehow we need to be clear that we're not necessarily doing it for architectural features, but for the broader aspects that probably look into the street as opposed to this one particular property.

MR. SMITH: I think I agree with Gene. I have a problem with the aesthetics of the house, and what the commission is saying...I totally respect the fact that it's small and it does represent the early development of the town, and how that street developed, and if you look at the Flagler's book that shows the women at home keeping house as the men went off to work, but the problem I have is that I know as an architect that the house didn't look like this back in 1917 and 1920 or 1940 or not even 1980. So, I'm weighing two sides so I'll pass the discussion over to Mr. Silverman.

MR. SILVERMAN: I think we all are a little undecided about it, but I think it's so unusual that I'd be in favor of it, I believe, at this point. So, it's up to you people.

MR. SMITH: Jacquie, you already spoke, so...

MRS. ALBARRAN DE MENDOZA: Exactly, I have basically spoken.

MR. ZUKOV: Well, there are so many houses that are landmarked that are nothing like this, and this is so wonderful maybe this might have been, and even if it wasn't like this, maybe it should have been like this in 1910 or whatever, and I think it's just worth it for that and the effort, and the effort that was put into the house, and I think it's a very unique house. I 100% would like to landmark it.

MR. SMITH: Anne?

MS. LILJA: I think it's probably one of the most difficult things that has come before us recently because when things aren't architecturally correct or historically proven. On the other hand, a lot of us don't know our ancestors. A lot of us don't have any clue where we come from or how we got here, but this house has a good idea of where it came from and where it started, and where its roots are. I guess the terminology of a house on Root Trail means it has roots and we can look at this as a landmark quality.

MRS. BLADES: I agree 100%.

MR. SMITH: So...

MRS. WILKEY: I think so that we don't get into trouble with the architects, perhaps we really should hang our hat on the broad cultural and political aspects.

MR. SMITH: So, would someone care to make a motion?

MS. SHIELDS: I'LL MOVE THAT 173 ROOT TRAIL 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.

MRS. ALBARRAN DE MENDOZA: I SECOND IT.

MR. SMITH: ALL IN FAVOR?

VOTING MEMBERS, LESS ONE: AYE.

MR. SMITH: OPPOSED? I'LL OPPOSE. (MOTION CARRIED 6-1-0)

MR. MOORE: Did that include criteria (a)?

MRS. DAY: Would you read criteria (a) because it doesn't say that in the report.

MR. MOORE: I think the report omits criteria (a) and I think that you need to....

☐ MR. SMITH: (C) It was (c).

MR. MOORE: Oh, does it. I'm sorry.

MRS. DAY: No. It doesn't meet any of the criteria is what it says, so if you just read criteria (a), and the report will have to be re-written to go to Town Council.

MR. MOORE: O.K.

MR. FRANK: You're recommending landmarking on criteria (a)

MS. SHIELDS: Under criteria (a)

MR. MOORE: And then you will instruct the staff to modify the report to reflect that criteria (a) is being used for the designation before it goes to the Town Council.

MS. SHIELDS: Yes.

MR. MOORE: Would that be correct with the maker of the motion?

MS. SHIELDS: Yes.

☐ Item 2: 120 Everglades Avenue
Owner: Lenore B. Ombres TR HLDR

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

Mr. Frank verified that proof of publication and proper legal service had been achieved with respect to this matter. Mr. Frank stated that staff has found 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

MRS. JANE DAY, (STAFF PRESERVATION CONSULTANT): The residence located at 120 Everglades Avenue is a 2.5 story brick and stuccoed house, and it's designed in a style that's loosely been described as American Foursquare. This style is one of the few indigenous American styles developing from the Prairie style originating in Chicago at the beginning of the 20th century. And this house also has mission style details. It's this combination of these architectural styles and the dating of this house, which is sometime between 1910 and 1928, which make it important to the Town of Palm Beach. And let me clarify right now...we don't have an original building permit on this property. The area that it is situated in, which is called Ocean Park, was platted in 1917. This style of architecture, however, was most popular before WWI from 1917 to 1920. These are the shore cottage type houses that used to line the streets in Palm Beach and now are quite rare within the town. Architecturally, you can see the

broad overhangs to deal with the climate, the brackets that are at the roof line. The hip roof is covered with barrel tile and there is a hip dormer on the half story with casement windows at the top. One of the most important features of the house are the parapets on both the east and west side of the facade. You can see them, the curvilinear roofline those parapets...that's the mission style detail that was brought in to what basically would have been almost a vernacular style residence from this time period. Here's the one on the other side. You can see the garage in the back, and how the whole property relates to the way this architecture has tried to catch the sea breezes to deal with climate in the early parts of the century. There is an outbuilding on the property which was also typical of the time period before WWI...garage with some kind of a living space above it. And the front door...I apologize for the light in the camera lens...is also typical with ten fixed lites on either side of the front door and this very nice wall with the finials to the front. The front porch, itself, is typical of the American Foursquare designs. On the top there is another center section that comes out toward the front of the property, and like I said before, this is very typical of the architecture that was being built in Palm Beach before the Boomtime Era, before Mizner got here, before the Mediterranean Revivals became the premier style in the town, and although, if you look at early postcards and early photographs of the town, you see many, many of these lining some of the original streets of the town. There are really very few of them left. For that reason, I believe that this property meets criteria (a) under our ordinance, that it exemplifies the broad cultural development of the town pre-WWI, and it is also a good example of the American Foursquare style of architecture, where the vernacular is taken, had design details put on to this house, and made a very unique contribution to the built environment to the Town of Palm Beach. Just for your knowledge, the first building permit on this property is 1928. There was a major hurricane that hit Palm Beach in 1928, and there was about \$4,000 of damage that was repaired after that time. It was interesting that when you pull all of the building permits, that there have been very few owners of the house, and in fact, the present family, who are here today, have owned the property, according to the building records, since 1954. If there are any questions that I can answer about this, I'd be happy to do that, and if not, I believe that the owners would like to speak.

MR. SMITH: Before that....

MR. PANDULA: I'LL MOVE THAT THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

MS. SHIELDS: SECOND.

MR. SMITH: All in favor?

ALL: AYE.

MR. SMITH: Opposed? (Hearing none) So moved unanimously. O.K. Now we'd like to hear from any of the witnesses in the audience.

MR. DOUGLAS OMBRES, (Son of the property owner, an attorney by profession) Good morning, my name is Doug Ombres, and I'm here assisting and representing my mother in this matter. I've met with Tim. We've gone over this situation and I've been presented with a lot of the pluses and minuses involving the landmarking of a house and reviewed it with my mother. Nevertheless, she prefers that this not happen, and that's the presentation I'm going to make. There's a couple of questions that I have before I go further, and the first one is...I did speak to Tim about this and he was not able to provide me an answer...who initiated the application?

MR. SMITH: The way it happened is that the town received a list of houses over fifty years old, and then the Commission received it, as the state comes through and does an entire survey of the Town. And from that survey Commissioners got their lists and drove through the town and looked at the houses that they believed should be landmarked, and then that list was all compiled and ranked, and what houses get the highest ranks were then added to our list.

MR. OMBRES: Well, do we know what commissioner recommended it initially.

MR. SMITH: I would assume it would be several. O.K.

MR. OMBRES: O.K. Because we never knew who it was, and it would be nice to know at some point.

MR. SMITH: I know it was on my list. It was on my list. I don't know about anybody else's.

MS. SHIELDS: It ranked high on my list.

MRS. WILKEY: It was on my list.

MR. OMBRES: O.K. I mean I don't know.

MR. MOORE: Mr. Ombres, Mr. Smith did give you the explanation. What happens is the survey that they look at and then they physically go and see the buildings and then they rank them in order, short list them...their number one choice, their number two choice, their number three choice...so it could appear on all their lists or some of their lists....

MR. OMBRES: Tim mentioned that generally it's initiated by one commissioner and then brought to the balance of the commission, and I don't know, we're just trying to find out how to ...

MR. SMITH: I'll say generally that's the way it was done, but last year because we did get this new list from the state, we took a different approach, instead of one commissioner looking at it and deciding, we all got in our cars and it was a task that we did last year...and we went through the entire town...I mean I drove up and down every street and I looked in that book and I saw which ones were on every street in the town and I ranked them myself, one through ten, and then I took my list when I went back and I started playing with my list to come up with the very top ten houses, and then everyone handed those in and then we started seeing which ones were ranked at the top on all of them. I don't know. It was on my list, for sure, and it was very high on my list.

MR. OMBRES: Well, O.K., the point is that mother has been here many, many, many years and normally in most just lay people, if they come to a governmental body, they initiate something, and it was like who did this and why is it being done. And so the process as to how we got to this point is helpful for her to understand how it happened. O.K. Because she kept asking me who did this and I keep saying...

MR. SMITH: In the past it was one individual that would bring one forward, but it's a different situation this year. I know that Tim could probably pull out that list and see which commissioner and how it was ranked.

MR. OMBRES: Yeah, I understand that. I just ...no one knew. I mean all of a sudden a letter came in and where did this come from and why? In discussions with Tim it has come to my understanding that it's not just the house that is being sought to be landmarked. It's the entire, I guess, legal description, which includes the house, the garage apartment, and then in the back, there's an attachment to the garage apartment which is a wash house, if you will, where the washer and dryer is and all that. I'd like some clarification on that if that, in fact, is what is being landmarked...is it the entire property?

MR. SMITH: Generally, what we try to do is landmark the entire property....

MR. OMBRES: The entire legal, so to speak?

MR. SMITH: Yes, and in the past we have relinquished some of that. We have facade landmarks in the town. We have landmarks of buildings, but not outbuildings. You know, it just depends on the actual structure. Yours is so...you know, we haven't been on the property, but it's so clean and crisp and I mean, it's very close to the original. I mean what I can see, as a trained eye.

MR. OMBRES: So, what I'm saying is it's the four corners of the legal description upon which includes the house and an outbuilding, so to speak. So, it's all of the, so to speak, the dirt which includes the structures. O.K. Well, in that regard and in reference to a comment made by staff, a real consideration is, and again, Tim and I touched on this and I would hope we can get maybe the town's legal review on this or comments. What is the responsibility of the owner with regard to a Hurricane Andrew type event or an act of God where there is substantial damage? Now, back in 1928, there was a severe hurricane, and apparently the building records reflect \$4,000 of some kind of renovation improvement, and I got to believe that if you were to factor in inflation what that would mean today. You know that may have been close to re-building the entire house. It wasn't that long ago you could buy a house for \$ 12,000 twenty-five years ago.

MR. SMITH: That was substantial.

MR. OMBRES: O.K. Substantial right...\$ 4,000. So my question is what is the responsibility of the owner because I don't know the answer to that...should there be a Hurricane Andrew where there is substantial damage but not complete demolition essentially? I mean where does the owner stand on that? What are they supposed to do at that point?

MR. SMITH: Bob, do you want to answer that question?

MR. MOORE: Yes, and we do have Clay Brooker here today, Mr. Chairman and he is with Mr. Randolph's office, and he is sitting as the Town Attorney here today, but Mr. Brooker may not be familiar enough with that ordinance to give that answer so with his permission I'd like to answer Mr. Ombres. The responsibility of maintenance of any landmark structure is the responsibility of the owner. I mean that is part and parcel with the landmarking of the property. So, I hope I've answered your question.

MR. SMITH: Well, Bob, I think what he's asking, and I think, in quick layman's terms, if there is substantial damage to the house and this becomes a financial burden to replace it, and you have to prove financial burden. Correct, Bob?

MR. OMBRES: Well, that's my issue. If there is a...you know, every hurricane season mother doesn't start having a cerebral hemorrhage over what's coming down the pike here because...

MR. MOORE: If you're getting to the point to know wanting to know whether you have to maintain insurance on the house...that's strictly up to the owner as to whether they are self-insured or whether they maintain insurance.

MR. OMBRES: Well, let me phrase it...let me phrase it this way, O.K.?...that if it's not landmarked, and there's a Hurricane Andrew, does the Town come in and say that you have to re-build? That's my question. Now, if it is landmarked...

MR. MOORE: No, there's no...

MR. OMBRES: Wait a minute, if it is landmarked, there's substantial damage...Tim discussed the 50% rule which I'm not quite clear on how that works...that's my question. How does this 50% rule work?

MR. MOORE: You're not compelled to re-build the property if that's what your question is.

MRS. WILKEY: Would he have the option to re-build it with a tax deferment?

MR. SMITH: He could re-build, but I don't know if you're required to...

MR. OMBRES: That's the question.

MS. SHIELDS: If it's non-conforming...I don't know if it's non-conforming.

MR. SMITH: It depends upon how much is gone too. If it's gone, obviously you're not required to re-build the house.

MR. OMBRES: I understand that. I understand how that works because...well, let me add this...that this goes to the question of the property has been landmarked, not necessarily the structure. O.K. And if the structure is gone, the property remains, and then where are we?

MR. SMITH: Then the redevelopment of the property would be with the Landmark Commission.

MR. MOORE: That's correct.

MR. OMBRES: O.K.

MR. SMITH: Basically, if it wasn't with this commission it would be with the Architectural Commission, so the property either...we actually landmark legally. The Town has an Architectural Commission that reviews any development, so in front of one or the other commission...this is the gentler commission.

MR. OMBRES: O.K. Well I still...say it's a 40% damage...however you figure these things out. If it's not...you know...I doubt that...

MR. SMITH: Well, obviously, I think, with 40% damage, the owner would usually want to re-build because it's less than building new again, but if the owner proves a financial hardship, that they cannot afford to re-build, for whatever reason...you have to prove that to the Town Council and then it could be demolished.

MS. SHIELDS: I guess my understanding of the ordinance is that it is an advantage if you are landmarked and you get destroyed by a hurricane because you, as a non-conforming structure, you have the ability to come back and re-build it, still being non-conforming. However, if you were not landmarked, if you're not landmarked...

MR. OMBRES: I'll get to that in a little bit. Everyone seems to be emphasizing some kind of financial benefit as a result of this, and that's not my mother's consideration...a financial benefit.

MS. SHIELDS: O.K. That's just my understanding of the ordinance.

MR. MOORE: The down side of it is that once it's landmarked, it can't be demolished. I mean if that's where we're going with this...you're not required to maintain it as far as re-build it if it was destroyed. You are required to maintain it under the ordinance itself...it's called "demolition by neglect." It's not allowed.

MR. OMBRES: I understand that. You said that it cannot be demolished. O.K.

MR. MOORE: Oh, yes. It can be demolished with an application here for financial hardship going through...the ordinance has a provision for applying to the Landmarks Commission and subsequently the Town Council.

MR. OMBRES: O.K. I appreciate your comments. I can honestly say I don't know how the 50% rule works still.

MR. SILVERMAN: On the flip side, you know, there are good insurance benefits for any construction that would have to take place. It's a good gamble that we won't have that hurricane and as I said, there's insurance, and she should have a policy on it to protect her anyway. There are a lot of pluses. Is that her only objection to the landmark.

MR. OMBRES: Well, it's not an objection unless it's a problem, and I still don't know if it's a problem. O.K.

MR. SMITH: I don't understand how the 50% rule applies to this property.

MR. MOORE: It doesn't.

MR. SMITH: You're confused about it, but I don't see how it's even an issue. The 50% rule is something that usually tests non-landmarked property.

MR. OMBRES: Well, Tim explained it to me with regard to this 50% rule. O.K. Well, I mean that's where I had the information.

MR. SMITH: I don't see...on landmarked properties, the 50% rule...you can throw it out the window because it doesn't apply. You can re-build if it's less than...maybe what Tim's trying to say is if it's not landmarked and you get destroyed more than 50%, you couldn't re-build it.

MS. SHIELDS: You cannot.

MRS. WILKEY: If it's not landmarked.

MR. OMBRES: Well, I've got that part, but if it is landmarked, then what is the criteria upon which you must, so to speak, maintain it. In other words, if it's not a Hurricane Andrew, but it's a severe hurricane, where are we? That's why I said if it's a 40% kind of damage thing what is that?

MR. SMITH: As I said, these are your two options. These are the two things you would do. If the house is landmarked, and you have substantial damage, O.K., number one, you are allowed to re-build it if you want to. Number two, if you choose that it's a financial burden to re-build it, then you come and you prove the case that it's a financial burden to you and then it could be leveled. Does that make sense?

MR. OMBRES: Yeah, well.

MRS. ALBARRAN DE MENDOZA: Actually, I have a question that relates to that. Let's say that the hurricane takes off the porch and the piece above it. Is he, if he is landmarked, basically required to re-build that porch and the portion above it?

MR. SMITH: I think it's whatever the commission decides. I mean, to me, if your garage building gets destroyed, and the house doesn't, do you have to re-build the garage?

MR. OMBRES: That's my question. I don't know.

MR. SMITH: I say no. I mean it's gone. You don't have to re-build it.

MR. OMBRES: But more to the point, if you do have...there's a side porch....it can't be seen here....that's on the first floor, and for the most part it's wooden or such, and if that gets blown away, and it does front the ocean, assuming nothing is built in front of the property...no, you can't see it...it's to the left here...there, now, O.K....now that would probably receive considerable damage in a hurricane because it does front the ocean. And again, I don't know. And it is an older structure, as staff has indicated. I'm just trying to find out.

MR. SMITH: Then I would say no. If that was blown off and you didn't want to re-build it, I see nothing in the town ordinance that would require you to do that.

MRS. ALBARRAN DE MENDOZA: I think that was his question. Right? More precisely?

MR. SMITH: Bob, do you agree?

MR. MOORE: I certainly agree that there is nothing that would require it to be re-built in the event of a storm. I think there, and I would say just the opposite...if there was no event of the storm, there is the section in the ordinance that says you must maintain your property. Otherwise, you, as a commission may find that the property has gone into "demolition by neglect." "Demolition by neglect" has absolutely one hundred and seventy-two per cent nothing to do with a hurricane that comes through and takes that porch off. This is a very interesting approach to...I commend you.

MS. SHIELDS: Or landmarking. I guess my question is does that not apply to every structure in town, not just landmark buildings.

MR. MOORE: No. It would not apply to non-landmarked buildings. There is no section in any of the ordinances "demolition by neglect."

MRS. OMBRES: Well, it may be very interesting. I can tell you that most of the people that have landmark properties would sure like to know the answer to that. O.K. Definitely, not...I'm not being confrontational here. It almost begins to sound like you think I am, but I'm trying to get an answer, and I haven't gotten it exactly yet. Be that as it may, with regard to my mother's position, she came into the community in 1939, and having married my father, who is a physician. Maybe some of you knew him. He died back in '75. And she's a bright lady. She's up in years now, approaching 90. This leads somewhere, O.K., and where this leads is she knows what she wants. She knows what she doesn't want. O.K. In 1932, she received a degree from the University of Pennsylvania School of Pharmacy. Now, in those days, you may or may not know, but women did not go to college much. O.K. She met my father who was a medical student there and they got married. O.K. Again, she's gone through the World Wars. She knows. She's been here since 1939. She doesn't want this. Now I've reviewed it with Tim. There are the pluses and minuses and all those kind of things that people say...this is an advantage or a disadvantage or a benefit. One thing that she pointed out to me is in a letter dated June 26th of '98 from Mr. Smith...this must be a form letter...that's my best guess. It says "if your property is given landmark status, the gratification will be yours knowing that your investment..." O.K. She doesn't view the house as an investment. It's her home. That's where she lives for forty-five years. This is not an investment, which folds over into the tax benefit aspects if she renovates. She's not going to renovate. O.K. This ten year tax abatement, maybe that applies to somebody else, but not to her.

MR. SMITH: I wouldn't expect that.

MR. OMBRES: O.K. I mean this is not why she's living there and you know, all that kind of stuff. So, she knows what she wants and I think each of you in your own experience in life have a pretty good idea of what you want and what you don't want. And so, in a left handed way, I guess you could say that this is viewed as somewhat intrusive. That gets to the question of who initiated this. She's lived quietly there for many, many years. What's this all about?

Who's doing what? I'm being told it's a benefit, but is it really or isn't it?

MR. SMITH: Probably not to her.

MR. OMBRES: No. It's that kind of thing. So, understanding the ordinance is a very technical ordinance in many ways, but it doesn't take into consideration the occupant. This makes eminent sense if you have people in their early 30's or 40's and say look at the benefit here. O.K. There is no benefit to her in landmarking it. She is very conservative and she doesn't want it. With regard to the criteria, criteria (a), any building over 50 years old, depending on what you want to do, falls within that. I mean obviously, there are some historical aspects to anything that age. I believe that (a) is essentially very vague and all encompassing and everything could fall into it, or nothing could fall into it. With regard to (c), there are architectural elements that were discussed. I'm not an architect or an engineer, but I'd like to point out that there have...the property's been altered over the years. The semi-circle drive was put in some 25 years ago. That wasn't original. So the wall that you see has been modified to accommodate that. O.K. The shutters and such....none of that is original stuff, obviously. They're wooden, yes, but they're not original. And as I understand it, should they blow off in a windstorm, that to replace them you would have to essentially replace something very similar to that. You couldn't go to a different type of shutter. Tim and I went into the aspects of like-like items that must be replaced. The roof on the garage structure, which has a garage apartment above it, about twenty years ago, was replaced and it's with....it's not with barrel tile. So, there are architectural elements there, but over the years, there's been considerable alteration to it. And it's not an original structure in that regard. Yeah, there's some there, but they've been altered one way or another. This, in turn, I believe, shows that she has lived there. She has wanted just to have it as a residence. It's not been an effort to maintain it as it was initially purchased back in 1954, and she simply just does not want it. I would suggest to you that this application is untimely given her age and I think, in my mind, there is uncertainty should there be a storm come by as to what really goes on inasmuch as she has to return to this board, and say look, much was blown down and replacing it will be half a million dollars because if it is to be replaced, it apparently needs to look like what it looked like. Is that correct?

MR. SMITH: Yes.

MR. OMBRES: O.K., and to do that is more expensive than building something back there. It has to....

MR. SMITH: Well, you'd still have to go in front of the Architectural Commission.

MR. OMBRES: Well, I understand that, but this would be a requirement at that time to have this board, one way or another, say ...we decide if it's a financial hardship, not whether it you feel it is. We will tell you whether it is or not. O.K. So, at any rate, she didn't seek it. She doesn't want it. She knows what she wants, and that's where we are. If she would like to say something, she's more than...

MRS. OMBRES: All I can say is it's my home. I want to maintain the same...well, whatever it is... and leave it as it is. It's just....it's my home and don't give me any problems. I don't need them.

MRS. WILKEY: We don't want to give you any problems.

MRS. OMBRES: Well, then, why are you worrying about my house? Leave it alone. Maybe after ten years you can go in and make all your remarks and yes, we'll give it to you.

MRS. WILKEY: We're not saying that we're going to alter it.

MRS. OMBRES: The rules and regulation are wonderful, but I'm not in the mood for them.

MR. OMBRES: I mentioned she knows what she wants.

MRS. WILKEY: But our feeling is that it is such a nice structure, and not that we want to alter it...

MR. OMBRES: Why do you want to bother me? Leave me alone.

MRS. WILKEY: We're just afraid that when you decide to sell the house, whomever buys it from you will tear it down, and it's such a beautiful piece of architecture.

MRS. OMBRES: Well, you'll have to worry about it then, but leave me alone now.

MR. OMBRES: I mentioned I would suggest that this application is untimely. I would hope you might take the hint.

MRS. OMBRES: (Indiscernible) in the year 2000. That takes care of that.

MR. OMBRES: Yes, I'm open to questions.

MR. PANDULA: You bring up a very good point in terms of if a portion of the house was damaged in some way, where is that line. If it was 2%, you would probably correct it. If it was 32%, maybe not. If it was 82%.... So that's a floating issue, if you will, and I think everybody would make a choice...every property is probably different, and I don't know if you could pin that down. That's a very good question. You said you didn't see any benefits in this for you. Do you see any detriments?

MR. OMBRES: Well, if there is an act of God, then there could be some real detriments because of the uncertainty. I've gone over most of all of this with mother, but I can't answer that question, and although we find it an interesting approach to my presentation, it is an important element, maybe central, but because I don't know the answer to it. I want you to stand in my shoes and have her ask you that question. O.K. Now you understand where I'm coming from.

MR. PANDULA: No, I understand that.

MR. OMBRES: I can't answer the question. I'm an attorney, so I thought Skip was going to be here today. Tim said Skip is generally at these meetings, and that he would address that as best as can be answered. So, I was looking forward to that. That's why I said let me preface this....

MR. PANDULA: But absent the act of God, which none of us here knows the answer to, and Skip probably won't either, but he'll be able to answer at a higher level of all knowing than we can. Given that the house hasn't changed since 1954 essentially, with minor things, and your mom doesn't intend to change it, I don't know what the detriment would be because you're just honoring what's already there, and in that case, O.K., if that were true, then the advantages that everybody has spoken of really do approve to you.

MR. OMBRES: Well, the tax advantages, as far as I'm concerned, don't...

MR. PANDULA: Even if you don't want them though, but they're there. I understand that you may not want to take advantage of them, but I'm just trying to find out if beyond this, what for today is an unanswerable question, if there is anything that's really at the tip of your tongue that's really got your goat about this.

MR. OMBRES: Essentially, she doesn't want it. She knows what she wants. O.K., and you guys know what you want, O.K, either personally or as a board. You take that home with you wherever you go...you say I don't want a

drink of water and somebody says, no, no, it's good for you...there's a benefit here. You say no, I don't want it. It's simple. That's why we're here. This is what we're talking about here, and whose want is going to prevail? O.K., and you might hang it on criteria or something but....

⓪ R. ZUKOV: I have another question...is there a way...

Let the record show that Mr. Moore asked Mrs. Delp to swear him in along with any others who were not previously sworn, and the oath was administered as such.

MR. ZUKOV: Is there a way of putting, I don't know, a red flag or anything if this building, at any time in the future, comes for any application for building permit or anything like that, that at that time he comes in front of this board before anybody can do anything to this building...five years, ten years. Is there any way of...

MR. MOORE: The answer to that is a very simple no. Without the owner's permission to defer and to defer ad infinitum, which I certainly would be willing to bet a lot of money that would not be granted under the circumstances that were here today. But the answer is no. They have the right to know....when they're notified of this process, we have to go through the process one way or the other or move on to the next. While we're under questions, Mr. Chairman, did you say it was time for us to ask you questions or did you say...are you finished with your presentation, that was the question? You said you'd take questions.

MR. OMBRES: I said, you know, if you want to ask the questions, fine.

MR. MOORE: O.K. Have you given us all your reasons here today for not wanting the landmarking?

MR. OMBRES: I gave you all the reasons that I'm aware of.

⓪ MR. MOORE: All that you're aware of?

MR. OMBRES: Yes.

MR. MOORE: And you've disclosed to this board every reason why you're not interested in landmarking?

MR. MOORE: Pretty much.

MR. MOORE: Pretty much. Well is it yes or no?

MR. OMBRES: It's a maybe.

MR. MOORE: It's a maybe. Would you want to tell the board what the maybe is...why you're opposed to it?

MR. OMBRES: As we go forward to the town, which I assume that's what's going to happen here...

MR. MOORE: No. No. No. The only way this will go forward to the Town Council is if they vote to landmark this property...to recommend landmarking.

MR. OMBRES: Well, in recent weeks Mother has received an inordinate number of unsolicited requests to purchase her home, O.K., and she's turned them all down. And I spoke with one individual, who is an attorney, who wrote a letter about this, and this was in regard to whether she was interested. And I said no. She's elderly. I mean where is she going to go. Well, you sell the house and she's going to go somewhere. I said she doesn't want to go

anywhere. And I showed this to Tim, this letter, and I'll read a portion of it. It says, "I met with the staff of the Landmark Commission and they have given me every indication that the Landmark Commission will designate the home, and that said designation will be approved by the Town Council. In fact, that it is one of the members of the Landmark Commission that has recommended that the home be designated." I mean that's quite a statement. We're bringing in here, you know, trying to say that she doesn't want it. We don't know what is going on. We've got people trying to buy our house unsolicited. All of a sudden the thing's being landmarked. What's going on? We don't want it. She doesn't want it. She doesn't understand it.

MR. ZUKOV: Which attorney is that?

MR. OMBRES: Robin Rosenberg. And I showed the letter to Tim and he said...that's not true. I said I don't know what's true or not true, but this is what the letter says.

MR. SILVERMAN: Does she know that landmark properties don't decrease in value according to the real estate people?

MR. OMBRES: I don't know what she knows because Mother's not selling it and she doesn't want it landmarked, but this was the letter....

MR. SILVERMAN: Well, maybe she doesn't understand that. It could be a major advantage for her to have it landmarked while she is still with us.

MR. OMBRES: It may well be. I don't disagree. You asked me if this is all. I don't know what all means.

MRS. OMBRES: May I say something?

MR. OMBRES: You know it's a bit of a caldron going on here. Maybe it's a coincidence all this came to pass simultaneously.

MRS. OMBRES: She called and she said I'm Mrs. So and So, and I'm an attorney. I said, "Lucky you." I am here with a contract and I'm coming over to have you sign it. I said, "for what?" For your house. I said, "It's not for sale." But I have this contract. I'll be over soon. In a few minutes. I said, "You're going to do what?" We're offering you \$ 750,000. I said, "No way, Jose." And she was very emphatic about it, and I just banged the phone and that was the end of the deal. Later on, Doug tells me, she's here, at this so-called institution, and she's checking up on everything, and then she writes this letter.

MR. OMBRES: Well, as it happens, we sought a postponement because I was out of town, and then I received a call from her and she mentioned a number of things, and I said, well how is it you're familiar with this. And she said, well I went to the meeting, and you know, this thing is postponed...back in November. But you know, I'm not following this. This is not my life's work, you understand, but it seems like suddenly everybody's got an interest here.

MR. ZUKOV: This property abuts the property that was bought and I've been reading in the newspapers about building a synagogue there.

MR. MOORE: Yes, indeed it does.

MR. ZUKOV: So, that's where this comes from probably.

MR. MOORE: I would not want to make that statement.

MR. ZUKOV: I'm saying that it certainly seems that way.

MR. MOORE: It indeed abuts the property that has been associated with a possible...

MR. ZUKOV: So landmarking it, it would remain there and that's it.

MR. MOORE: Well, that's correct unless someone applied to de-landmark it or tear it down. That's correct.

MRS. OMBRES: Another thought...I said this property is going to be landmarked. She said, "Oh, we can take care of that."

MR. OMBRES: Well, I don't know whether any of that was said.

MRS. OMBRES: I know she said it to me.

MR. OMBRES: Well, the point here is that there's a lot of, with regard to that situation, about the abutting property. It's all conjecture. I touched base with Tim on it and Skip, and there's nothing, as I understand it, come before the Town or anything submitted, so it's conjecture. O.K. It is unusual that she would receive three or four offers out of nowhere. I mean you tell me, but those were turned down. She's not interested in selling, so the answer is to them...I don't want to sell. O.K.

MR. SMITH: And insulting offers too.

MR. OMBRES: What's that?

MR. SMITH: Insulting offers.

MR. OMBRES: Yes, well, that may be an issue all its own, but I pointed out to this lady attorney...assuming it was sold, where is she going to go? I mean what are we talking about. She spent 45 years here. Now she's going to sell it and move somewhere else? I mean that just doesn't fly. She's not interested in selling which flows back into she does not want to sell. She knows what she wants, and this is where we're at.

MR. SMITH: I can certainly understand the intrusiveness of not so much this commission, but also the people knocking at your door wanting to buy your home...your mother's home, but I think that your passionate pleas here and your mother's are a little bit more, at least in my opinion, geared for the Town Council, and I think that this commission listens more to the hard evidence of the ability of this house...does it stand on its merits with being landmarked or not being landmarked. I have compassion for your mother, but my job as a chairman and as an architect and as an historian goes down a different path, and I think that the Town Council is more geared to decide your vision and ours. So, would anyone care to make comments? I think if everyone speaks on it, maybe it will be easier. So, Mrs. Wilkey?

MRS. WILKEY: I wonder if Mrs. Ombres would be willing to defer until the time comes that ...

MRS. OMBRES: What?

MRS. WILKEY: If you might be willing to defer the decision on landmarking since you're not interested in selling and you always want to be there, maybe if we defer it long enough, when you decide that you're close to making a decision, perhaps then you would be interested.

MRS. OMBRES: Then you can come forward and landmark it and do what you will.

MRS. WILKEY: But it's the selling that we're afraid of.

MR. OMBRES: Well, we understand that. As I understand it, we can't defer. Is that correct?

MR. SMITH: Only if you allow it. The owner can defer...we can't.

MRS. WILKEY: You can ask us to defer it.

MR. OMBRES: I thought there had to be a disposition one way or the other within three months.

MR. MOORE: There is and we have to take that action unless you, as the owner, waive those rights under the ordinance that there is a disposition. If you do that, and again, I would not want to make this statement as a statement of absolute fact, Mr. Ombres, but I don't believe we could do it for an indefinite period of time. I'd have to defer to Mr. Randolph, certainly Mr. Brooker is here to represent us today, but I must say that I think that there is a reasonable expectation in time that a property owner would have for the government to take its action. So, therefore, doing something indefinitely is not something the town would normally participate in. I mean I don't think it's to anyone's advantage to do that either. Mr. Randolph would be the final authority on that. However, if you were willing to defer this matter till next month, till Mr. Randolph could be here to answer that question directly for himself and waive your rights of us taking action under what section, Tim?

MR. OMBRES: Well may I suggest is a deferral proper? How about a continuation to next month?

MR. MOORE: That's what a deferral is.

MR. OMBRES: I mean I guess is there some magic in the word deferral verses just a motion to continue.

MR. MOORE: No, deferral is our normal procedure, and if you will defer then we would recommend that if that's your case, if that's what you're...are you holding out that that would be something that you would consider doing.

MR. OMBRES: We would entertain that certainly, but we don't want to put the town in a spot. We don't want to get some cloud on the title because there's something floating around out there. You know, we don't want to create a situation that's irresolvable. So, if we could come to next month's meeting and see what Skip has to say...

MR. MOORE: We could defer it to next month's meeting, but I'm not sure I understand what the issue of cloud of title would have relative to this month to next month, unless there was a sale on the property.

MR. SMITH: If you agree that we can make a deferral now, and discuss this further with Skip

MR. OMBRES: Oh, you bet. I don't understand those kind of comments that infers that we've got something going on here within the next month. That's not what's happening. If we can get an answer from Skip next month, we're delighted to understand what that answer might be.

MR. SMITH: I think that's great. Would someone care to make a motion to defer this project to next month?

MR. MOORE: If the applicant, under that motion, would agree to Section 16-43 (I) of the Town of Palm Beach Ordinances that they waive the 30 day requirement that the commission shall render the final decision on this matter. If they are unwilling to do that, the way I have just put that forward, the staff would recommend that you take action

one way or the other today.

MR. SMITH: You have to agree to waive that right. Otherwise we have to make an action today.

MR. OMBRES: Well, I also would ask that at the next meeting, you will have an answer to these questions, and if the answer, regardless of what the answer is...if the answer is I don't know...then you folks take action. Absolutely, we would. Also I would ask that you present Skip with this concern about the act of God and what have you.

MR. SMITH: Right.

MRS. OMBRES: Why don't you forget it?

MR. OMBRES: They're trying to do that, Mother.

MR. SMITH: You've got a tough job. Would someone care to make a motion to defer that?

MRS. WILKEY: I MOVE THAT WE DEFER THIS ACTION UNTIL NEXT MONTH...I MOVE THAT THE LANDMARK CONSIDERATION OF THE PROPERTY AT 120 EVERGLADES BE DEFERRED TO THE FEBRUARY MEETING WITH THE PROVISION THAT THE OWNER RECOGNIZES SHE IS WAIVING HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION WITHIN 30 DAYS.

MR. OMBRES: And that we will have answers to these questions as posed with regard to the continuing deferral.

MR. SMITH: Certainly.

MS. SHIELDS: SECOND.

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

ALL: AYE

MR. SMITH: Opposed? (No response) So moved unanimously.

MRS. OMBRES: Amen.

MR.. OMBRES: Alright. Thank you, and hopefully, we can approach a resolution.

MRS. OMBRES: And please leave me alone.

MR. SMITH: May I have your phone number?

MR. OMBRES: (Number given) And this is not...I am not...I work for a corporation. I travel a lot. Let me ask you this. When is that meeting in February? I am going to be overseas returning

MRS. DELP: It is the 17th.

MR. MOORE: The third Wednesday.

MR. OMBRES: The third Wednesday. I'll be home by then.

MRS. OMBRES: Thank you anyway. However.

○ R. OMBRES: Thank you.

Item 3: 284 Monterey Road

Owner: Ms. Joan Lucier

Please note that the owner is requesting deferral of this matter to the March 17, 1999 meeting.

MOTION BY MR. HOFFMAN FOR DEFERRAL TO THE MARCH MEETING WITH THE PROVISIO THAT THE OWNER RECOGNIZES SHE IS WAIVING HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

Item 4: 110 Clarke Avenue

Owner: S.C. III & Grace T. Meigher

Staff recommended that this item be removed from the agenda due to lack of proper legal service. As such, the item should be re-advertised and brought back to the commission at a later date.

MOTION BY MS. SHIELDS TO REMOVE THIS ITEM FROM THE AGENDA.

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

VII. Other Business:

A. Informal Review: 250 Barton Avenue

Request informal approval of wood pergola/orchid house, new garden wall & gate to match existing

Mrs. Albarran de Mendoza presented this project, and as such, she will complete a Voting Conflict form for this project when a vote is taken next month.. Ms. Blades declared that she was the buyer's agent relative to the sale of this property and she will complete a Voting Conflict form when a vote is taken next month. The new owners of the property are the Calloways, who have an extensive collection of orchids. To accommodate this pursuit, a new wood pergola/orchid house will be situated on the southeast corner of the property. An existing high hedge will hide the pergola for the most part, and there will be a cut in the hedge for an entrance. Rafter tails on the pergola will match the existing rafter tails on the house. The commission offered no negative comments.

B.. Distribution of Designation Reports for February meeting

○

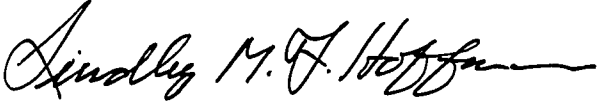
VIII. Adjournment:

MOTION TO ADJOURN BY MR. SILVERMAN AT 11:06 A.M.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,



Lindley M. F. Hoffman, Secretary

LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH

ATTENDANCE RECORD (1999)

MEMBERS	<u>1/99</u>	<u>2/99</u>	<u>3/99</u>	<u>4/99</u>	<u>5/99</u>	<u>6/99</u>	<u>7/99</u>	<u>8/99</u>	<u>9/99</u>	<u>10/99</u>	<u>11/99</u>	<u>12/99</u>
Jeffery W. Smith	P											
Eugene Pandula	P											
Lindley Hoffman	P											
Arthur Silverman	P											
Elizabeth Shields	P											
Sari M. Wilkey	P											
Jacqueline Albarran de Mendoza	P											

ALTERNATES	<u>1/99</u>	<u>2/99</u>	<u>3/99</u>	<u>4/99</u>	<u>5/99</u>	<u>6/99</u>	<u>7/99</u>	<u>8/99</u>	<u>9/99</u>	<u>10/99</u>	<u>11/99</u>	<u>12/99</u>
Nikita Zukov	P											
Ann Lilja	P											
Ann Blades	P											

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

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (1999)

MEMBERS	1/ 99	2/99	3/99	4/99	5/99	6/ 99	7/99	8/99	9/ 99	10/99	11/99	12/99
J effery W. Smith												
Eugene Pandula												
Lindley Hoffman												
Arthur Silverman												
Elizabeth Shields												
Sari M. Wilkey												
Jacqueline Albarran de Mendoza	VPD1											

ALTERNATES	1/99	2/99	3/99	4/99	5/ 99	6/ 99	7/99	8/99	9/99	10/99	11/99	12/99
Nikita Zukov												
Ann Lilja												
Ann Blades												

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

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

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>ALBARRAN DE MENDOZA JACQUELINE</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>LANDMARKS PRESERVATION COMMISSION</u>	
MAILING ADDRESS <u>204 PHIPPS PLAZA</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <u>TOWN</u>	
CITY <u>PALM BEACH, FL</u>	COUNTY <u>33480</u>	:: CITY :: COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <u>10/21/98</u> <u>1/28/99</u>		NAME OF POLITICAL SUBDIVISION: <u>TOWN OF PALM BEACH</u>	
		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 present. with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

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

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, 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, JACQUELINE ALBARRAN de MENDOZA, hereby disclose that on 10/21, 1998:

(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:

Co A #24-98, 105 CLARENDON

I AM THE ARCHITECT OF RECORD

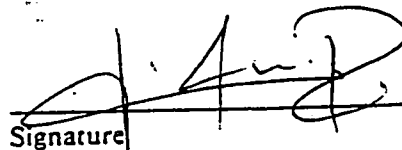
(CONTINUING CONFLICT)

Also referring to vote taken 1/20/99 -CoA#24-98

Date Filed

10/21/98

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.