

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, JANUARY 15, 1997

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

I. Call to Order: The meeting was called to order at 9:00 a.m. by Chairman Jeffery W. Smith.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Joanna Frost-Golino, Vice Chairman
Eugene Pandula, Secretary
Jacqueline Albarran de Mendoza, Member
Arthur Silverman, Member
Harrison M. Robertson Jr., Member
Lindley M.F. Hoffman, Member
Elizabeth Shields, Alternate Member
Sari M. Wilkey, Alternate Member
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator
John C. Randolph, Town Attorney

ABSENT: Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Grace's absence was excused due to illness.

III. Approval of the Minutes of the December 18, 1996 Meeting:

Mrs. Delp noted a correction to Page 6 regarding the Designation Hearing for 10 Golf Road. The appropriate designation criteria for this property are (a),(c) and (d), rather than (a) (b) and (d) as recorded.

MOTION BY MR. SILVERMAN APPROVING THE MINUTES AS AMENDED.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED 6-1-0, WITH MR. HOFFMAN ABSTAINING, AS HE WAS ABSENT FROM THE LAST MEETING.

COMMENTS BY MR. SMITH:

Mr. Smith received a letter from Mr. Harrison Robertson, LPC Member, and read same into the record. In the letter, Mr. Robertson registers his objection to the hearing of two matters at the December 1996 meeting, i.e., the informal review of lighting at 780 South Ocean Boulevard, and the review of a landscape plan for the Brazilian Court Hotel. The informal review at 780 South Ocean Boulevard appeared on a revised agenda, as revised December 17, 1996, the day prior to the meeting. The Brazilian Court Hotel matter was reviewed at the December meeting pursuant to LPC action to allow that review to occur. Mr. Robertson's objections were based upon the fact that he was unable to make a site visit to the properties involved, as he had no prior knowledge that these matters would be discussed.

Mr. Smith commented in response to the letter. He feels the LPC must be user friendly, and exists to preserve and protect the Town and its Residents. Regarding the Brazilian Court Hotel matter, Mr. Smith stated that most of the commission members, or the majority at least, had made a site visit a few months ago as part of the regular LPC meeting, and as such, were not lacking familiarity with the site. With regard to

780 South Ocean Boulevard, this site had been on the LPC agenda two other previous months for landscaping. As such, Mr. Smith felt that the landscape lighting issue was integral with the listed reviews of the landscape. Both projects were fighting construction deadlines, the Brazilian Court, in order to open, and the Paxson residence, in order to be ready for a February wedding. Mr. Smith commented that surrounding neighbors of these properties, or any property under construction, want the construction to be concluded as soon as possible. The LPC, then, in its attempts to remain user friendly, would not want to hold up any construction project unnecessarily. Therefore, Mr. Smith proposed that if there are any modifications to the agenda, as approved by the Chairman on the Monday before the meeting, he will ask for a motion at each meeting to either accept or reject the revised agenda.

Mr. Robertson responded stating that he was in favor of the LPC being user friendly, and he believes strongly in the right of private property. On the other hand, however, he felt he could not fulfill his duty as an LPC member, if he is unaware of items which will be reviewed and consequently does not inspect them. Therefore, he objected to this procedurally. He stated that since the last meeting's informal review of 780 South Ocean Boulevard, he did visit the site, and found it to be under a great deal of excavation. He speculated that if the applicant is turned down today, the owner will have gone to unnecessary expense. As for the Brazilian Court issue, the only portion of the landscape listed on the agenda was the south elevation, not the landscaping for the rest of the property. He hoped that the LPC would enact a rule of procedure today.

Mrs. Frost-Golino clarified that a revised agenda would normally be available by noon on the Monday before the meeting, after a preliminary meeting with the Chairman. She agreed with Mr. Smith that the LPC should be user friendly, as well as do their job. She also stated that it is up to each LPC member as to how they want to do their job for the LPC, i.e., make a site visit or not make a site visit for each project. This is a matter of "personal responsibility". Mr. Pandula was in agreement with Mr. Smith and Mrs. Frost-Golino, and added that when an applicant proceeds on the basis of feedback given during an informal review, the risk of his proceeding is always clearly explained. Mrs. Albarran de Mendoza and Mr. Silverman were likewise in agreement with the aforementioned members. Mr. Silverman commented that he did not believe any members have acted improperly with regard to review of LPC matters, and also felt that staff would not allow the members to "go astray."

Mr. Moore commented that the LPC Ordinance provides that the LPC may create its rules of procedure, and instruct staff and the applicants accordingly. He stated the LPC is within its rights to make rules regarding add-ons to the agenda, and noted that when such rules are created, they are subject to a vote, where a majority of the commission rules. For the benefit of new members, Mr. Moore commented that there was a period of time, not too long ago, when members were prohibited, by law, from making site visits. That rule has been changed to allow site visits, with a declaration of exparte communication. It is a fact that some members make site visits a practice, while others do not. Making site visits is not required, but instead may act as a tool. Decisions are to be made at the regularly scheduled meetings, not during a given member's site visit.

Mr. Moore continued that Palm Beach is a unique community in that its Residents submit themselves to the LPC or the Architectural Commission for action and approvals with regard to exterior changes to their properties. Both commissions must be user friendly as requests for review are basically "requests from a neighbor" to a given commission. Mr. Robertson's request for a rule of procedure is coming from a member who wants to do the best job he can for his neighbors. Mr. Moore advocated a motion that would require notification to members of add-on items to the agenda, along with action at each meeting to decide whether said add-ons will be heard or not. He also added that when items are reviewed informally, any risk in proceeding belongs to the property owner, and the property owner only.

MOTION BY MR. ROBERTSON THAT ANY ADDITIONS TO THE PRINTED AGENDA BE COMMUNICATED TO THE MEMBERS OF THE COMMISSION BY THE STAFF OF THE COMMISSION AS PROMPTLY AS POSSIBLE AFTER THOSE ADDITIONS HAVE BEEN DETERMINED, AND SECONDLY THAT WHEN THE COMMISSION MEETS FOLLOWING THOSE ADDITIONS TO THE AGENDA, THAT THE COMMISSION VOTE ON THE PROPRIETY OF THE ADDITIONS TO THE AGENDA.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

Let the record show that Mr. Smith declared a conflict with respect to Items A, B & C, the same conflicts which were declared during the 1996 hearings. As such, he passed the gavel to Mrs. Frost-Golino. Mr. Randolph took this opportunity to distribute Resolution #21-95 regarding exparte communications. He stated that site visits must be declared as exparte communications.

A.. Application for Certificate of Appropriateness #52-96,
Modifications to tennis pavilion

Owner/Applicant: The Mar-a-Lago Club

Address: 1100 South Ocean Boulevard

Architect: REG Architects

Project Description: Request approval of modifications to tennis pavilion - replace wood columns at west end with pre-cast columns, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Robertson declared that he had visited this property as well as all of the other properties on the agenda today. Mrs. Frost-Golino spoke to a reporter from the Palm Beach Daily News. The rest of the commissioners also indicated that although they may not have gone to the site for this particular application, they had visited the site in the past.

① MOTION MADE AT THE DECEMBER MEETING: MOTION TO DEFER THIS ITEM TO THE JANUARY MEETING, WITH THE IDEA THAT THE EXISTING APPROVAL FOR WOOD STANDS.

As Mr. Wes Blackman, Director of Projects at the Mar-a-Lago Club, indicated that they have chosen to proceed with the previously approved wood columns....

MOTION BY MR. SILVERMAN REMOVING THIS ITEM FROM THE AGENDA.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

- B. Application for Certificate of Appropriateness #1-97,
 Facade Changes to Watchman's house
 Owner/Applicant: The Mar-a-Lago Club
 Address: 1100 South Ocean Boulevard
 Architect: Smith and Moore Architects, Mr. Harold Smith
 Project Description: Request approval of facade changes to accessory structure known as the Watchman's house,
 and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: As declared above..

THIS MATTER WAS DISCUSSED INFORMALLY AT THE DECEMBER MEETING.

Mr. Wes Blackman and Mr. Harold Smith, Architect, presented this project. This two story Watchman's house structure was built in the 1950's. The plans include enclosing the 4- car carport and extending the west wall at the newly created garages out by four feet. Garage doors will be added to the east side, with cast stone columns between them and a wooden lintel above. Interiorly, there are now three dwelling units within the building. After implementation of the proposal, there will be only two units...one in the two story portion of the house, and a second unit over the garage. The existing roof structure will be retained. There will be some modifications to door/window locations. Existing jalousie windows will be replaced with true divided lite casements. Some new openings will be created as well. A balcony at the second floor level will have a turned spindle railing. A first floor entry porch will be added, as well as a new stair to replace the existing dilapidated stair. The exterior color of the structure will match the color of the main house.

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MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. ROBERTSON.
MOTION CARRIED UNANIMOUSLY.

- C.. Application for Certificate of Appropriateness #2-97,
 Landscape lighting
 Owner/Applicant: Mr. Lowell W. Paxson
 Address: 780 South Ocean Boulevard
 Architect: Thomas Lucido & Associates, P.A.
 Project Description: Request approval for landscape lighting, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Hoffman and Mrs. Frost-Golino stated they have been to the property on a previous occasion. Mrs. Wilkey, Mrs. Albarran de Mendoza and Mr. Silverman had driven by the property at night. Mr. Robertson stated that he visited the site.

Mr. Brian Curtis, Estate Manager, Mr. Tom Ulrich, Lighting Consultant, and a representative from Burkhardt and Birdsong, the electrical contractor, returned to the LPC subsequent to last month's review. The lighting, with wattage specified on the plans, is designed to create a moonlighting effect, similar to that of neighboring properties. Mr. Ulrich distributed before/after photos of other Palm Beach properties where the same lighting effect was attempted. Lights will occur at the main fountain submerged in the water to illuminate the statues. Lights will also be placed in trees and along walkways. There will be no lights on the house itself, and no additional lights at the property wall, other than the four existing lights. There are no lights proposed on the oceanside part of the property. The lighting will not shine onto adjoining properties. It was stated that the adjacent neighbors have no objection to this lighting installation.

①

Mrs. Frost-Golino was concerned that the statues not be too brightly illuminated as that will only draw more attention to them. (When the

garden with statues had been originally approved, the LPC was concerned with the height of the statues.) The LPC does not want the property to be illuminated to the extent that it appears as a development or a museum.

MOTION BY MR. HOFFMAN TO APPROVE THE LANDSCAPE LIGHTING WITH THE PROVISIO THAT THE LPC CAN ADJUST THE WATTAGE OF THE LIGHTING, AFTER INSTALLATION, IF A SITE VISIT DETERMINES THAT THE FOOT CANDLES ARE TOO BRIGHT.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA

Prior to the vote, Mr. Randolph requested that the motion be more specific.

MOTION AMENDED BY MR. HOFFMAN FOR APPROVAL SUBJECT TO THE LIGHTING BEING OF A WATTAGE THAT IS NOT OBTRUSIVE TO THE NEIGHBORS WITH THE PROVISIO THAT WHEN THE LIGHTING IS INSTALLED, THE APPLICANT WILL RETURN TO THE LPC FOR FINAL APPROVAL OF THE WATTAGE ONLY.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

Mr. Randolph clarified this matter for Mrs. Delp, instructing her to place this matter on the agenda under "Other Business" at such time as the lighting has been installed and is thus available for view by the members of the LPC.

V. Designation Hearings:

Please note that the Designation Hearings are transcribed partially verbatim and partially in paraphrase. The verbatim portions are noted by the speaker's name at the left margin.

ITEM 1: 150 CLARKE AVENUE
OWNER: Mr. Anthony K. & Ms. Victoria O. Baker

Please note that this matter was deferred from the November meeting. Mr. Frank stated that a letter from Ms. Collette K. Meyer, Attorney for the Property Owner, was received requesting a deferral of this matter to allow for a site visit. The letter was read into the record.

MOTION BY MRS. FROST-GOLINO TO DEFER THIS DESIGNATION HEARING TO THE MARCH MEETING.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

ITEM 2: 8 GOLF ROAD
OWNER: Mr. W.W. & Ellen Geyer

Please note that this matter was deferred from the December meeting. Please note that Mr. James. R. Brindell, Attorney for the property owner, has requested deferral of this matter to the March 19, 1997 meeting. A letter reflecting this request was read into the record by Mr. Frank.

MOTION BY MR. PANDULA FOR DEFERRAL OF THIS DESIGNATION HEARING TO THE MARCH MEETING.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

ITEM 3: 6 GOLF ROAD
OWNER: Barrie Osborn Vanderpoel

Mr. Frank verified that proof of publication and proper legal service were achieved with regard to this designation hearing. Mrs. Delp administered the oath to Mr. Moore, Mr. Frank, Mrs. Jane Day, Staff Preservation Consultant, and to a gentlemen who was later identified as Mr. Vanderpoel, the husband of the owner. Mr. Frank stated that this property meets the following criteria for designation:

- (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: Mr. Chairman, Members of the Commission, good morning. As you are probably familiar, since we've been walking our way through Golf Road, the Golfview Road Development Company started in 1921 with the building of Hogarcito by E.F. Hutton and architect Marion Sims Wyeth. Corwin was the developer of the street, not the architect, as Tim has just said, but we're also trying to focus on important developers in the Town of Palm Beach as well as the architects. The house at 6 Golf Road is a good example of that early boomtime development, and is quite different than some of the other examples on the street, although it is still done in the Mediterranean Revival style. This house, rather than looking much like the Spanish houses along the coast of Spain and Portugal, is more reminiscent of a Roman villa. The original portion of the house was built in 1922. We have the building permit on record with the Town. It was Building Permit #3822 to construct a two story house on Lot 6. It was built for speculation by Wyeth, and was sold two years later to Charles McCann. The McCanns were from New York. He moved, with his family, to Palm Beach. They are listed in the Social Register. This is the present front entrance to the property. There's a driveway in front of this. As you can see, the whole property is lushly landscaped. If you'll remember from reading the other report, Wyeth's original plan included a lot to the east of every house that he built. That allowed for the owners, once they purchased the original houses, to expand and enlarge their properties. That happened to this house, and between 1924 and 1929, extensive additions were done. All of those additions were done by Wyeth, and those plans are available at the Preservation Foundation. This is part of the original two story portion of the house. As you can see, the barrel tile roof, the gable front facing, casement windows, all that are typical of the Mediterranean Revival style. Again, this is from the east looking toward the west showing what was added in that portion of the '20's that the McCann's owned the property. It's a good example of the style. It represents criterion (a), the development of the Town, criterion (c), a good example of the Mediterranean Revival style of architecture...in this instance, more Italianate than Spanish, and criterion (d) a good example of the work of master architect, Marion Sims Wyeth. Are there any questions about the Designation Report?

MR. ROBERTSON: What is the position of the owner?

MRS. DAY: The owner is here. If he would like to speak, I would be happy to have that.

MR. VANDERPOEL: My name is [Wynant] Vanderpoel, and I'm here representing my wife, Barrie Osborn Vanderpoel, and I would have the committee note that the letter that was sent was addressed to "Mr." Barrie Osborn Vanderpoel, and that should be corrected to read "Mrs.", but I am here representing my wife, and we approve landmark status, and in fact, we would consider it an honor to be given such a status.

MOTION BY MRS. FROST-GOLINO THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. SILVERMAN THAT THE PROPERTY AT 6 GOLF ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

ITEM 4: 19 GOLF ROAD
OWNER: Ms. Helen Pecori

Please note that Mr. James R. Brindell, Attorney for the Owner, has requested deferral of this matter to the March 19, 1997 meeting. The Town received a letter in that regard, which is on file.

MOTION BY MR. PANDULA FOR DEFERRAL OF THIS MATTER TO THE MARCH MEETING.

MOTION SECONDED BY MRS. FROST-GOLINO.

MOTION CARRIED UNANIMOUSLY.

ITEM 5: 765 HI-MOUNT ROAD
OWNER: Dr. George S. Kantor

Mr. Robertson stated that he visited this property and spoke to Mr. Peter Broberg, Attorney for the Property Owner.

Mr. Peter Broberg requested a few moments to allow for Dr. Kantor to arrive. The LPC elected to move forward with the agenda and discuss "Other Business."

VI. Other Business:

- ⓪ A. Upcoming term expirations: Mrs. Delp reviewed the upcoming term expirations of Mrs. Albarran de Mendoza, Mr. Silverman, Mrs. Grace, and Mrs. Wilkey. Staff requested that these members forward letters to the Town indicating their willingness to serve another term, or conversely, a letter declining continued service.
- B. Brazilian Court Hotel - Discussion relative to tax relief: Mrs. Day stated that the County and the Town have passed local legislation regarding tax abatement for landmarked properties. Mr. Brindell, Attorney for the Brazilian Court, has been in conversation with she and Mr. Frank relative to tax abatement for the approved changes. They realize that many of the changes, though approved by the LPC, do not meet the Secretary of the Interior's Standards. They would, however, like to proceed with the filing for the abatement in order to meet the March 1st deadline. Mrs. Day stated she was obliged to inform the LPC that such relief is being sought.

As Dr. Kantor was still not present, there was a short recess...10:16 a.m. The meeting was reconvened at 10:22 a.m. , and Dr. Kantor was present at that time.

V. Designation Hearings (Continued)

ITEM 5: 765 HI-MOUNT ROAD
OWNER: Dr. George S. Kantor

MRS. JANE DAY: As you remember, this item was heard informally last month. This item is here, not really as a designation report, although it is listed that way on your agenda. It would be really more appropriate under "Other Business," but it's here at the directive of Town Council to see what to do about the octagon house that sits on the property at 765 Hi-Mount Road. This is a landmark of the Town of Palm Beach, but had certain additions and restrictions to the landmark designation, and there were certain things that the owner received approval, over the years, to do. One of those was that he built a new house on the site. To refresh your memory, I brought my slides again. And this is what the octagon house looks like today. It's been moved from its original site. The wings have been removed from it. And it's placed on the eastern portion of the property near the property line and near a neighbor's adjacent property. It's been boarded up so that the weather can't get in. But as you can see, there is still some damage and things that need to be repaired on it. This is what the new house on the property looks like. It was designed by Gene Lawrence. It was approved by ARCOM. This is the north side of the house which is the rear. And the pool...this is the original pool to the property...and the house sat in front of this. Now, I did not write the designation report for this property. It was done before

⓪ I came to work for the Town of Palm Beach. I have xeroxed for you and handed out to you this morning portions of that which were written by Jim Sved in 1989, so that you will have a history of the house. It was designed by Maurice Fatio in 1936, and in fact, one of the statements that Mr. Sved made in the report was that legend had it that Fatio traded the plans with the artist for a portrait of his daughter. So, I contacted Alex Fatio Taylor, who is Mr. Fatio's daughter, and asked her, and in fact, that is true. It's not just a legend. She has the portrait. I also asked her, at the request of Joanna Frost-Golino, to see if she had the original plans of the house, or because she is a very active volunteer at the Palm Beach County Historical Society, if she would look there, because she is kind of been the curator of her father's collection, to see if the original plans were there. They are not. The only things that we have are the very poor quality microfiche xeroxes that I have in the back of your packet that show how the house sat, and those are in the e Town of Palm Beach. What Alex did give me, however, was a letter that she received from Sylvie Boutet DeMonvel, who is the daughter of the original owner. This letter is dated June 26, 1992, and it is from the present owner, George Kantor to Madame DeMonvel expressing his opinions in 1992 of the landmarking of the house and what he wanted to do with it. I gave you a copy of that letter that Alex very kindly faxed to me, and I would like to read that into the record. (See copy of letter attached)

I bring that to your attention because it seems to me that the owner's intent, in 1992, when he wrote to the original owner's daughter, was to restore the octagon. That may, in fact, still be his intent, and I'm glad that he is here this morning to tell us what he would like to do with this house. What the Town Council is asking this commission to do is make recommendations. As the house sits now, it's really not doing anyone any good, and as I testified in the last meeting last month, I don't believe that it has its original architectural integrity with the wings removed from it. It still, however, has its history. It is still a landmark, and I believe it is up to you, and for you to have discussion, perhaps, with the owner and give him some direction as to what you think should be done with this structure. I talked at length to Polly Earl about the possibility of having it moved to some place that the Preservation Foundation could find, and they don't have the resources or the inclination to do that at this point. So, as far as I know, the burden of moving it, if it is to be moved, should be upon the owner, not upon Staff or this commission. Are there any questions you have of me?

MR. ROBERTSON: What is the position of the Town Council?

⓪ MRS. DAY: The Town Council has sent this back to this board to see what you want to do with this, and perhaps, Mr. Broberg or the owner...I was not at the Town Council meeting when this was recommended to be brought back to you ...but perhaps, they could clarify that issue for you today.

MR. ROBERTSON: Why was it before the Town Council?

MRS. DAY: I don't know that either. Perhaps Mr. Broberg would like to address that.

MR. BROBERG: Actually, I really don't know why it was before the Town Council either other than the fact that there was an agreement with the Town that we would have a certain amount of time to restore or remove the building from the property, and I believe that time was up sometime in December, and so they brought up the issue. As to what happened, I don't know how it got tickled and put on their agenda, but I think maybe it was Mrs. Smith who might have brought it up. Nobody was noticed about it. She just brought it up and said I think I want this to go to Landmarks and let them review this situation.

MR. MOORE: I'll give you the history of it, and Mr. Broberg, you can correct me if I stumble in my brief explanation of this. In order for the home to be built, the house had to be moved...the octagon, the house in question, had to be moved to a new location on the property. Variances were needed to build the home, both because of the banyan trees that were on the property to be saved and the octagon was in the way of where the new home was to be built. You've seen the pictures of the gorgeous home that Gene designed...that Mr. Lawrence designed. In doing that, the Council granted a variance to move the octagon structure, as an accessory structure, to the southeast corner of the property. It required a variance because of other vegetation to be placed closer to the property line than the ordinance would permit. That was granted with a condition, of course, that the house be restored to its original condition as it had been allowed to be deteriorating through the years. It had deteriorated through the years. Part of the agreement was that the structure be rehabilitated, and there was a time frame involved in that of twelve months which actually went a little longer than that because of the granting of the variance...has a life of twelve months. I believe it was Mr. Castro (Zoning Administrator) who, in the tickler file knew that they had a twelve month time frame and this was the subject of a variance application to the Council that allowed this structure to be moved in the first place. So, therefore, the matter had to go back to the Town Council as to the disposition of the house. Mr. Broberg, I believe, indicated to the Council that they had made efforts to try to move the structure, to give the structure away to other organizations within the Town and that they had not produced any takers. So, the question that then arose was whether or not they needed to repair it, or could they demolish the structure. The Council said they would like your opinion as to what to do with this structure...whether you want to see it repaired or would you consider an application for de-designation of the property, not the property, but the structure itself. So, it is here for your review and advice and recommendations to the Town Council as to what you believe the ultimate dispensation of this structure should be...1-fix it up, 2-allow it to be moved if Mr. Broberg has found a taker, or 3-to allow for it to be demolished by way of application for de-designation.

MR. BROBERG: I think Bob has hit all the elements properly. I just want to fill in that part of the approvals given by the Town was that the property, the house, could be moved to any position on the lot or moved to any other location in the Town of Palm Beach. And during this period of time, I'll speak to Bob's second point there, we made many inquiries to many organizations to give this octagon structure to, one at our cost, or their cost, or at anybody's cost that was willing to take it. Dr. Kantor can speak to that as well as I can, even so far as to ask the Delray Historical Society. Of course, they were very interested in it, but when you get right down to it, getting it there and paying for it...it never came to fruition. There were also discussions with the Chamber of Commerce, who as you may or may not know for many years were looking for a permanent home. They were renting from the Breakers over where the Centennial Dining Room is. They've been there for many years. They would, of course, love to have the building, but there is no land to put it on. We've had many discussions with the Breakers and including it in their PUD, and allowing the Chamber to use it. We've also had some private interest for maybe pool houses, but nothing has come to fruition. So, it's not that we have been sitting on our heels and just letting the place fall apart. We've been actively trying to give it away. And I believe Jane said that she'd even talked to Polly Earl regarding any interest in taking the building, and there is none. And as you can see, the building isn't in excellent shape, even if it were fixed up...every one of the neighbors, the Furlaids, the Keresseys, the Cascells, everyone in the neighborhood wants it gone. So, Dr. Kantor would like to address you. Before he addresses you, is there anything I can answer from the procedural standpoint, or that Mr. Moore can answer from the procedural standpoint. I think you will want to know what Dr. Kantor has done from the period of time that he's purchased the property, and built his house and moved the octagon, he would be happy to share that with you, and assist you in your decision making.

MR. MOORE: I would, Mr. Chairman, like to comment on one of Mr. Broberg's statements, and I failed to mention that. The property owners that about this particular property have found the structure to be a source of irritation and have registered complaints quite often regarding the condition of the structure. One of the neighbors complained bitterly about the placement of the structure as well, but once that was accepted they want some action on it. In other words, they want it fixed up or torn down or moved.

MRS. ALBARRAN DE MENDOZA: When the variance was granted, they did not require that it be landscaped from the neighbors?

MR. MOORE: Yes. It is landscaped heavily at this point in time. It is site screened all but from the second floor...it is site screened from first floor view. The landscaping has not grown and will not probably grow to provide second floor site screening from the two abutting neighbors, one to the south, one to the east.

MRS. DAY: (Finding a slide) That's what it looks like, so you can still see the roofline of it.

DR. GEORGE: Good morning. I'm sorry to have caused a little delay for you. I ran into some traffic coming down from the hospital. It has been somewhat of a herculean task to get a house on this wonderful piece of property and make everybody happy. And it has been my intention

always to be correct with my neighbors and to the Town , and I have done that at excessive expense to me. First of all, all the trees up there have been saved and I deeded those to the Town. I've had to work my house, my pitch line to my roof...I've had to do a lot of things to do that. I'm happy that I've done it, and we have preserved all that stuff, and it has caused a problem with moving this building around, and getting everything to make everybody happy. My intentions, when I started this project, when I bought the property were as they state in this letter, and philosophically, anybody that knows this style of architecture, French Caribbean, great house type architecture will see it very easily in my house and in my project, and what has been done on that piece of land, and especially what has been done in terms of preserving, for the Town, the trees and the natural landscape of that property. This building, in concept, is a wonderful concept. It was in a terrible state of disrepair when I got it. There was no one inhabiting it except for the kids going there on Friday and Saturday nights for about fifteen years. There was a lot of termite damage and we...this letter was written before we moved it...and when we moved the house, we not only tore off four wings, but we tore off the entire entranceway. There is a significant amount of dry rot and termite damage , and to date, and I've paid over \$50,000 just in moving this house and getting it where it is. The idea has been run by me that this was not my intention at all to preserve this house or work with you guys, and that's just not true. I mean it's not true because of the feeling in this letter, and it's not true because of everything I've done. It has cost me \$ 20,000 to relocate this house into the corner. It has cost me \$9,000 to build the foundation, and that's just for starters when we moved it.

MRS. FROST-GOLINO: Dr. Kantor, may I ask a question. Why didn't you move the house to the pool area, which is what the letter stated was your intent?

DR. KANTOR: It was totally impractical. There was no way we could do that because once we got through the wings, the house is...you basically might as well tear it down and rebuild it. Everything in it is rotten. And it doesn't fit anywhere in that area. There's no way that it fits, and there is an octagon motif inside the house. We preserved the pool. Our dining room is the same exact size as the octagon shape. All this was intended to do...when you start tearing down buildings that are eighty years old and sat in complete disrepair for twenty years, and you start trying to move them around and put them in terms of trying to balance the Town's requests at saving the trees, it was an impossibility. This is the only possible place I could put it without damaging any trees and having a reasonable house. This thing, quite frankly, it really is an albatross, and what you are asking me to do ... you're basically asking me to re-build something that really now has no historical significance. If that is truly one option, I would have to tear the whole thing down and start all over again.

MS. SHIELDS: Dr. Kantor, when you bought the property, with the landmarked house on it, what were you thinking...that you were going to incorporate it in your new design, or...

DR. KANTOR: That's exactly what I was thinking. I mean I've corresponded with this woman...I have more correspondences than this one., but this was done before we got in there and started ripping everything out. We've ripped over 65% of the structure out. You have an octagon building that is 800 square feet...that had five of the sides of the eight sided structure have been completely decimated, the entranceway and the four wings to the house. We had no idea...we couldn't get the type of structure that was on six inches off the ground, and I had no way of getting under there. I had to shore up the building to move it because in moving it, it almost fell down.

MR. ROBERTSON: Dr. Kantor, what do you want us to do? What is your wish?

DR. KANTOR: Well, the other thing is that we have in terms of the, just so you know where we're coming from, we have tried to work with everybody. We contacted three historical societies, and everybody is enthusiastic until they come up and take a look at it. When they come up and take a look at it, even at my expense in moving it, they say well we're sorry...we really don't want it...we have no use for it. I would like reason to prevail. I welcome anybody to come up there and see what we've done and in terms of the house, I have a house that in terms of a reproduction with historical significance, respects that. I have a house that I've gone to incredible lengths to save old trees and to work a house around the property to leave the Town something I think is really reasonable. But, my request for you is that this is not the building that I thought it was, and I think that it is...we don't know those things till we start tearing into the buildings. I've renovated buildings. My family has property in the french quarter of New Orleans, and some of the property goes back to the 1780's, and anyone knows that you never know what you have till you get into it. I'm on the record for what I tried to do. My intentions have been noble. They've been clear. But I'm faced with a problem that is just unrealistic. You might as well just tear the whole thing down and have me build an octagon, because that's what I'm going to have to do. So, I'm requesting that I have this status removed from it because it's not the building that was landmarked. If you go back and historically look through this thing, they landmarked the building, then they come and they de-landmarked part of it. I mean how can you de-landmark part of a building, so that you can take off 65% , but you have to preserve this one portion. It doesn't make any sense. And my intent was to work with this thing. You come in my home now, anybody can come up there today, and you'll see an octagon dining room that's just like in this letter with eight McKinney-Hall prints with Seminole Indians around it looking over all the trees. And I've saved all these things, but I justmy neighbors are upset with me...you know, they know I have a structure that is ugly, and I don't think it's of any historical significance, and I think you're putting a burden on me to fix it, so I respectfully request your assistance with this.

MR. PANDULA: Who requested the de-landmarking of the wings?

DR. KANTOR: You have to go back to the Schweitzers, the last owners. Mrs. Schweitzer, beyond her octogenarian status, requested that the

property be landmarked because she was going out there and communing with the spirit of Monvel. And then as she became infirm, and her son took over, he went back and he requested the de-landmarking of the entire property, and in a compromise, they de-landmarked a part of the property, and so they allowed him to tear down the four wings, which were the significant living quarters and the entranceway to the property. So, that's kind of a partial sense of this, so, it's a unique situation.

① MRS. WILKEY: It seems to me that when someone buys a property that is a landmark and truly intends to restore it, you know that it's a lot of work and expense. We have restored properties, and in trying to get the house balanced, all of the interior walls have crumbled. We didn't expect that, but you have to work with what you have. And to me, the significant part is the octagon. There are some very old structures in the country, and that is one of the original designs. So, to me, I think it's significant, and has to be preserved.

DR. KANTOR: Mrs. Wilkey, with all respect, there are a lot of octagons around the country, and I've researched this, and I may be a physician, but I spend a lot of time appreciating architecture. My family is involved in restoration of properties in New Orleans, and has been for years. This situation is a situation where, quite honestly, if you were to come up to it, this building has no historical significance. I mean it really doesn't. Physically it is a meaningless property. I mean it is completely destroyed.

MR. ROBERTSON: Mr. Chairman, may I be heard? Mr. Chairman, I visited the property on Monday with Mr. Broberg, and let me say this might be the most unique fine historical architectural building of its type in Palm Beach, but it shouldn't be there on this property. If you go there and look at it, I mean it's just jammed in again St. the property line on the southeast corner. It's an eyesore. And the doctor has built a beautiful home. When you go in the property, you have to hardly get through the roots of these banyan trees to get up to the central parking area, and then this beautiful home that he's built is on the left, and then this place is just an eyesore jammed in the corner. It just shouldn't be there where it is. Now whether it gets moved or knocked down remains to be determined, but it should not be there where it is. You talk about being user friendly, this man is having his beautiful place destroyed, in my opinion, as far as its appearance, by having this building there.

MRS. FROST-GOLINO: But Mr. Robertson, he moved it there.

MR. ROBERTSON: Let me continue if you don't mind. I went inside the place. I mean it's a shambles. I don't know if it can be saved as such. If you're going to move it, you're going to have to take it down because there are huge trees that arch over the entry point to this building., to this structure, and it's of such a size, that there's no way you could get it out of there. You'd have to take it completely apart to move it out of there. Plus, its appearance is ugly and damaged where you've taken these four or five wings off on the different sides. I mean to me it's an eyesore, and we talk about preserving a landmark for people to look at...you can't see it from the road. It's impossible to see. You have to drive
① up in there. As far as I'm concerned, we ought to give the doctor permission either to move it within a given period of time if he can find a taker or allow him to take it down.

MR. SMITH: It's a very tough situation, I think, you've put the Commission in. I think there comes a great responsibility when you buy a landmark property. You knew what you were buying when you purchased the property. It had a landmarked building on it. I think the Commission and the Council worked very well, very closely to make sure that we gave every opportunity to save this structure. They allowed the wings to be taken off, bent over backwards, I think, to work with prior property owner and the current property owner granting variances putting it in the corner. You chose the location. I don't think anyone in the Town Council chose and told you to move it or where to put it. I think that the neighbors...I can certainly agree with the neighbors...I mean if I lived next door to a building that looked like that, I would be on the phone every day to Mr. Moore and say when is this building going to be finished because there's got to be rats and vermin living in that, and I can't believe you live on the same property with a structure that looks like that. You agreed to restore this building. I mean I just cannot believe that after...this was 1992, and it's 1997, five years later, and we're still here talking about....I cannot believe the Town has not fined you for not putting this thing in a decent shape, you know. That's unacceptable.

DR. KANTOR: With all respect, sir, I don't think you're in command of the facts here because this hasn't been going on since 1992. I didn't start construction on the property until...

MR. SMITH: When did you move in your house?

DR. KANTOR: About a year ago.

MR. SMITH: A year ago. So, you've only been looking at it for a year, but the neighbors have been looking at that...and when did it move there...it probably took a year to build your house, so about two-and-a-half years then.

DR. KANTOR: That's correct.

① MR. SMITH: That's still two-and-a-half years to me. If I was a neighbor, I would certainly be upset if that was against my property line, but you have to look at it too.

DR. KANTOR: Well, I do, and there are termite people and there are exterminators. I don't want you to think this is some west end piece of property where you have rats run out. I mean, I have children. I think that that's not a case, but again, my neighbors are supportive of me. There are upset with the fact that they've seen what I've had to do. You try to balance a lot of things in this Town. You try to make everybody happy, as you've seen I have tried to do. You try to preserve the trees. You have a wonderful piece of property. This is the only place that you could put this building to build a reasonable house on the property. If you go up there, sir, and you see the fifteen sets of banyan trees...

MR. SMITH: I'm familiar with the property before the house was ever moved.

DR. KANTOR: And if you see that every single tree is preserved and you realize that there's a limit to what you can physically do on a piece of property.

MRS. FROST-GOLINO: Dr. Kantor, I think the approval of your house was contingent upon you screening it because it was so dissimilar from the other houses in the neighborhood.

DR. KANTOR: I'm sorry.

MRS. FROST-GOLINO: I said that the approval of your house at ARCOM was contingent upon your screening it and keeping those trees because your house was so dissimilar from any other house in the neighborhood, and I know that for a fact because I was sitting on ARCOM when they approved it. So, I'm detecting a little bit of pandering here that I'm not convinced is genuine. I mean you basically took this house, the octagon house, and threw it in a trash heap, and said we'll deal with this later. We'll just let this fall apart, or maybe we'll find somebody to take it.

DR. KANTOR: Well, you know, that's not true, and let's go back accurately. You have been again st my house from the git-go.

MRS. FROST-GOLINO: That actually is not true, sir. I reviewed your house with a completely open mind, and my criteria, let me finish please, my criteria at ARCOM are different. The criteria are different than the criteria here. They required me to look at the house whether its too dissimilar or too similar to the neighborhood. And that is basically a fait accompli. And what's done is done. I'm just trying to set the record straight about the trees which you say you were accommodating the Town. That's not true. That was a condition of your approval for your house.

DR. KANTOR: I wanted to save the trees. I wanted to save the trees and I wanted to preserve the property from the minute I saw the property twelve or thirteen years ago. And I would like for the record to note that there are two architects on this board that I have spoken with about doing the architectural work that I did not choose, and so I feel a little bit under the gun here and under the thumb, and I wonder politically, and respectfully, but politically how much that comes into play. I have your apology letter to Gene Lawrence...your comments about my house. I have a house, quite honestly, if you study French Colonial and French Caribbean architecture, is very much in keeping with that style in its exactness, but it was a house that you didn't approve of. I don't think that anyone in this town has to build a house that is similar to the entire neighborhood.

MRS. FROST-GOLINO: It can't be too similar, and it can't be too dissimilar. That was the point, but that's a different sub... that doesn't even enter into this discussion. We are talking about the octagon house.

DR. KANTOR: That is correct.

MRS. FROST-GOLINO: And I just was...you were saying that the octagon house had to be placed where you placed it because of the trees.

DR. KANTOR: That is correct. That is exactly correct. This is the only place. I couldn't place it in the entranceway, and block the driveway.

MRS. FROST-GOLINO: Why couldn't you place it as a pool home? I mean you certainly have an extremely large lot and a large house. I don't understand why you changed your idea and were not able to make it as an octagon for the pool.

DR. KANTOR: If you will simply...you're an architect...if you will go up to the house and take a look at the house, and you understand the setback requirements...I don't want a pool under the trees in the shade, and there is no possible place that I could have put this except in the corner. If you had been the architect chosen on this project, this is where you would have placed it because it was the only place for you to place it. And to say that this is posturing on my part, you know, quite frankly, that's offensive because I have spent an awful lot of money working with people trying to do things to do everything right to keep everybody happy. And point of fact, it's just an impossibility, and have you been up there to see this structure?

MRS. FROST-GOLINO: I have been to the site.

DR. KANTOR: O.K., when was the last time you were up on the site, and walked around the site on my property?

MRS. FROST-GOLINO: I have not gone on your property because I was not invited.

① DR. KANTOR: You're invited any time you want to.

MRS. FROST-GOLINO: But I did look from the street, and I did notice that in fact there is marvelous screening of the property from the street, which is what was intended with the original ARCOM approval. My only point was that I do believe this house, somewhere along the line, there was a decision that this house was not important to you to keep on your property, and you put it in a corner where it obviously would become offensive to your neighbors, and I think that's very sad. I think that, perhaps, you were genuinely looking for a place to put it, and I wish you had found a place because I think that would solve everybody's problem at this point.

DR. KANTOR: You're correct, but I have, and Gene Pandula can address this, my neighbors...the people that this is "most offensive to" are my neighbors to the south, the Furlowes, who are very close personal friends of mine. This has been as much a hardship for them as it is for myself, and they have worked with me to try to help with all this stuff, but this idea that I have just simply tucked the house in to be offensive to my neighbors and get rid of it so I can build a house and skirt a bunch of issues is complete bologna. I mean, I'm sorry, but it is, and everything I've done, including the plans on the house that I've made, including the foundation, including moving it, including everything that I've done, it belies that.

MR. SMITH: Please explain to me. You put a foundation in. You moved the house. Why didn't you finish restoring it? Why? I don't understand. The foundation is a significant investment.

DR. KANTOR: That's correct.

MR. SMITH: The move is a significant investment. Why isn't it finished?

DR. KANTOR: Because we had to shore it...the place is rotten.

MR. SMITH: But that's typical with a wood structure in any renovation. I mean, if we're saying that we can de-landmark the property because of neglect, or because of rotten wood, I mean, it's anywhere in this town.

① DR. KANTOR: But once we moved this place and set it on its foundation and had to shore it to do this, the reality of what was in front of us and what we had...what are you preserving? What are you preserving when you are altering the entire structure of the octagon.

MR. SMITH: The Reef building, that Gerald Tsai has just sold, was totally re-built in the exact plans, and it was a Fatio, and it was an award-winning home that is still a landmarked home. So...

DR. KANTOR: Sir, this is a 750 square foot part of a home that has been left.

MR. SMITH: Jewel. It's the jewel box.

MR. ROBERTSON: Yeah, but the jewel box is in the wrong location. It shouldn't be there.

MR. SMITH: We didn't move it there.

MR. ROBERTSON: I beg your pardon?

MR. SMITH: I did not move it there. The owner moved it there. It could be the wrong location wherever it gets moved again.

MR. ROBERTSON: Well, he made a mistake, but I don't think we should beat up on him and whip on him because he made a mistake. The point is, for us, should it be a landmark building where it is now, and I say no. It would be wonderful if it was somewhere else. Take it down to Bradley Park and give it to the Chamber of Commerce, but somebody in this Town, with all the money we have, ought to come up with the money to move it someplace else, but it shouldn't be where it is. I don't care who owns it. It's an eyesore, and I certainly don't think it complies with the zoning code where it is. It is probably in violation of the building regulations. It's got to go.

① MR. MOORE: No (repeatedly). It's not in violation of any zoning regulations. It has a variance to be where it is.

MR. ROBERTSON: Then the Town Council goofed on that one, in my opinion.

MR. MOORE: Well, if they goofed, that goof was the only way that Dr. Kantor could build that gorgeous home, and I, for one, do like his home, but I will tell you that was the only way he could build it. This is an informal hearing to get some input because the Council has asked for your advice on what to do with it. So it's not a formal hearing. You know, I just want to caution you that you're not acting on this formally, but you are going to be giving some advice to the Town Council.

MR. SMITH: You would like a motion.

MR. MOORE: Oh, sure.

MRS. WILKEY: May I ask something, Dr. Kantor? I know that the neighbors are objecting because it is an eyesore, but assuming that it was restored, and you didn't have all the boarded up sides, and it didn't look like it was falling apart, would the neighbors still object?

DR. KANTOR: Yes, Ma'am., because the boarded up sides they cannot see. The top portions that they can see are the last few remaining boards that I have, that I don't have to remove.

MRS. WILKEY: It looks like there is mildew on the top, and it looks like it really needs a lot of work.

DR. KANTOR: That's not mildew on the top. That's the type of clay roofing that's on there.

MRS. FROST-GOLINO: Mr. Moore, when the variance was granted to place this house where it was placed, were not the neighbors notified?

MR. MOORE: Absolutely.

MRS. FROST-GOLINO: They had a chance at that point to talk about where the location was.

MR. MOORE: Yeah, absolutely. And quite frankly, there was objection from the neighbor to the east. I don't recall any objection from the neighbor to the south.

DR. KANTOR: Can I address that? You know, this is again the catch-22. In trying to move with the variance, we needed two additional feet so that we wouldn't have to cut down one of the trees. The trees...I can't touch the trees..and so I had approached the neighbors to the south, the Furlowes, who generously said O.K. we're not going to oppose you to do this, to move it 13 feet, or 8 feet, as opposed to 10 feet. So, that is the variance there. Again, this is trying to balance all these things together. We couldn't cut the trees down, so we had to move it, and we had to get (indiscernible).

MR. PANDULA: Well, I was one the architects that wasn't chosen five years ago, so I don't know if that's a conflict or not. We do a lot of work for the Furlowes to the south, and they're sick of looking at it. I know they're friends and they're not pushing the issue, but they're very tired of looking at a building that is essentially unmaintained. I think as far as landscaping, it is were maintained, it wouldn't be an issue. I think the issue before us today is kind of like the second edge of a double edged sword in being accommodating, like we had talked about earlier this morning. A lot of people prior to us have, in good faith, I think, accommodated your requests, and now it's on us to appear to be the e bad guys, if we hold your feet to the fire for concessions over the last five or six years that haven't come into fruition. And the third thing, I think, is that when you bought the property, the house was there, and you had an idea that you were going to re-use portions of it, and as other people have mentioned, you chose a location on the site of this particular unit, and I think, that maybe it's more a failure of the design concept of what you've done...whether it's a nice house or not, nobody told you to build a French Colonial house on that location, or to ignore this. I think there are ways of leaving the trees, of locating the swimming pool in the sunshine. You were granted a variance for this. You would have most likely been granted a variance to do other things. So, I see the hardships that are being described to us today as being completely self-imposed. The function and the placement of what you built there was totally your choosing, and not withstanding the \$20,000 fee to move this and a \$9,000 fee for a foundation, and what other associated expenses that have gone on, which is added up, relative to the cost which you've produced elsewhere on the site, is negligible almost considering that this could have been incorporated in those dollars. \$29,000 would have disappeared in the scope of what you've done.

DR. KANTOR: I just want to comment on one thing you said, Mr. Pandula. Your clients, and my neighbors and friends, and Isabelle Furlaud...it's too bad that she's not here to correct your statement...she strongly, and I'm going to underline the strongly, she does not want to look at this property whether it's renovated or not. It's not a matter of this being an eyesore because it is not renovated, and she spoke with you about this. She does not want this there at all.

MS. SHIELDS: Then you shouldn't have put it there.

MR. SMITH: Is there any further discussion?

MR. MOORE: Yes, from staff. In consultations with Mr. Randolph, it would be our advice that even though I said to you prior to this that we would like to have a motion, the Council did send it back to you for your opinions. I think that it would be to everyone's advantage not to have a formal motion, but to have all comments that various commissioners feel about the situation. We will pass that on in the form of the minutes to the Town Council so they will have had your advice by way of the minutes, without the formal motion.

MR. SMITH: O.K. So why don't we start with Mrs. Wilkey. Just give your comment of how you feel about the project or the property, and what should be done with it, and we'll just have every commissioner make a comment and that will be reflected in the minutes.

MRS. WILKEY: I feel very strongly that it should be preserved, and that when anyone takes on the responsibility of preservation, they must understand that sometimes things don't turn out as you expect, but it's a responsibility that should be met.

MS. SHIELDS: I would concur that the house needs to be restored or it would be O.K. if it was moved, I suppose, although historic properties do lose some of their integrity when they're moved. This one has already been moved. And I guess, on that point, I would wonder if the owner has done everything possible in terms of advertising the...some state preservation associations have marketing vehicles for these sort of properties...I don't know whether you've tried that, but that's a possibility. Just beyond this immediate area, there could be some help in the state. So I would like to see the property protected and restored.

MR. HOFFMAN: I have to agree, to some degree, with Jane Day's statement that it lost some of its architectural integrity when the wings were removed. In fact, it lost a lot of it, however, not all of it. The central octagon is still a handsome, or would be a handsome structure were it restored. I think historically, however, it's probably more important...to be preserved I would say that historically, it would be more of a reason for preserving it. DeMonvel was a very well known painter exhibited very widely both here and in Europe. I would like to have it preserved, certainly, and probably, I would agree with Harrison Robertson that the best thing to do would be to move it if we could find a place that it could be moved to so that people could appreciate it.

MR. PANDULA: I agree with the first three comments. I think the original agreement should be lived up to, to the fullest extent that is possible. And if it can be moved or if it needs to be, that's O.K. It doesn't necessarily need to sit on this site, but I think the original agreement should be maintained.

MR. SMITH: I agree that the building should be restored. I really think that the time to look for another site is expired. If I was a property owner anywhere near this project, I would still be very upset that it is in the condition that it is in. I don't think that is the condition that properties in Palm Beach should ever get to that stage of neglect, and I think it should be restored immediately.

MRS. FROST=GOLINO: We have been asked for our opinion on whether it should be de-designated. My opinion is strongly no. It should not be de-designated because many of the criteria for designation have not changed. (a) It still exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town. It still embodies distinguishing characteristics, yes, they've changed, but there are still some distinguishing characteristics of an architectural type. That's (c). (d)...it is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized or who influenced their age and (e) constitutes a unique area of architecture, landscaping and planning. So, I do not believe it should be de-designated.

MRS. ALBARRAN DE MENDOZA: I was very involved with this structure when Mr. Sved was doing the research, and I also believe it should be kept, and I also believe it should be restored at this moment, even before anybody finds anybody to take it. They probably would not want to take it the way it is now because it might fall apart. So I think it should be done even before that is completed.

MR. SILVERMAN: I would like to see the Landmark Preservation Society find a location for it and try to preserve it in some form. I'm in sympathy with Dr. Kantor. He's got an albatross around his neck right now, and I know this has a past history that I was not familiar with, but it's a tough deal. I know that if we were starting from scratch right now, we would not landmark the property. It's stuck back there behind the lot, and it's worthless almost. It's a detriment to everybody at this point. So, let's try to find another location and move it if it's that important. Thank you.

MR. ROBERTSON: I feel very strongly that it should not be there where it is. It was a mistake to put it there. Everybody makes mistakes. We say we're user friendly. I don't think we ought to beat up on the doctor. He spent a lot of money and has gone to a lot of trouble to try to do the right thing, but it wasn't the right thing to do. It's in the wrong place. It shouldn't be there. It either ought to be destroyed or be moved. The ideal situation is to have it moved, and I don't know why you can't take it down to Bradley park, or take it to one of these large lots that the Town of Palm Beach owns up in the north end, where I live, and put it there, and put it to some public use, if we can't get some organization like the Preservation Foundation or the Chamber of Commerce to take it. Let the Town take it.

MR. SILVERMAN: We have a Little Red Schoolhouse down our way, and you might consider putting it up there.

MR. SMITH: Thank you. I think that concludes our comments, Mr. Moore.

MR. MOORE: Yes, sir. And the staff thanks you and the Council thanks you for your comments. I'm sure Mr. Broberg may wish to add a postscript, but that's what we needed was your comments.

MR. BROBERG: Thank you. The only postscript I would add is that Dr. Kantor would be willing to pay for its removal, so if there is a spot to be had...

MR. SMITH: And its restoration?

MR. BROBERG: That's negotiable. I would have to discuss that, but we're putting on the table that we would pay for its removal and move to its new location.

MRS. JANE DAY: May I just add one comment? I asked Mr. Broberg yesterday if he could get us a list of who he had contacted, who he spoke to, so we would know what organizations have, in fact, looked at this property and said yea or nay and what their reasons were so that we can come up with some kind of a preservation plan for it on a positive note rather than a negative note. That would be helpful if you could get that to me, and then we could look and see who else might be out there who might be interested in having the property if, in fact, it can't stay and be restored where it is.

VII. Adjournment:

MOTION BY MR. PANDULA TO ADJOURN THE MEETING AT 11:16 A.M.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, February 19, 1997 at 9:00 a.m. in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Eugene Pandula, Secretary

cmd

2/3/97

GEORGE S. KANTOR, M.D., P.A.

ORTHOPAEDIC SURGERY
ARTHRITIS & JOINT IMPLANTS

11211 PROSPERITY FARM ROAD, SUITE C-114
PALM BEACH GARDENS, FLORIDA 33410

TELEPHONE:
(407) 622-1344

June 26, 1992

Mme. Sylvie Boutet DeMonvel
11 Passage De La Visitation 75007
Paris, France

Dear Madame DeMonvel:

I am in receipt of your April correspondence, and I apologize for my late response. We are ending our busy winter season and, with the coming of summer, I am able to find the time to answer the more pleasurable correspondence.

I enjoyed very much your letter and your enclosure concerning the article about your father. He is a highly regarded artist, and his studio is worthy of landmark preservation status. That status, by the way, is something that I have not tried to alter.

My background includes the spending of formative years in New Orleans, Louisiana and, during that time, an appreciation for historic architecture and work in the preservation of same. It is my intention to not only preserve, but to improve the Octagon.

My plan, as it remains now, is to move the Octagon to the east side of the property. The Octagon, itself, will be kept intact but, unfortunately, because of size limitations, the wings which consist of the bathroom, kitchen, and bedrooms will be removed. You should know, however, that the exterior will be completely redone with a cypress boarding, as per the original construction. Also, attention will be spent to repair the interior of the Octagon, itself.

There have been significant alterations and, in point of fact, damage to the Octagon's structure. The wonderful cypress that you see in the picture of the article that you sent me has been completely covered by multiple coats of oil based paint. This includes the fan shaped wood structures above the doors which have also been painted over. Also, a section of the oak flooring toward the center of the Octagon has been replaced by pine, due to previous dry rot and termite damage.

I will sandblast the cypress paint to restore the natural wood texture and, of course, repair the floor to its original quality oak. The Octagon structure will then be used as a house of relaxation and contemplation, overlooking a swimming pool and waterfall to the east. I can assure you, upon completion, that the structure will be aesthetically pleasing and one that your father would be proud of.

You should also know that I intend, for continuity, to incorporate the Octagon structure into my new home which will be built underneath the banyan trees. An octagon motif, in some fashion,

Mme. Sylvie Boutet DeMonvel

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Page Two

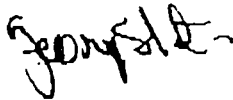
will be used on the marble flooring for the entranceway and, most importantly, an octagon shaped dining room on the first floor will be constructed. Each wall of the octagon will hold a McKinney-Hall Indian print, to honor the spirits of the Indians who inhabited this ground as a ceremonial site long before we came to the area. Interestingly, I have been collecting McKinney-Hall prints, which are very rare, with the original plates being created by Audubon's artist in London, for the past year. I have five prints and am searching for three more, preferably from Indians of this area.

Please feel free to call on me should you ever come to Palm Beach, as I would love to share with you the restoration of your father's home.

I will, of course, send you photographs of the work in progress, if you so desire.

I remain,

Respectfully,



George S. Kantor, M.D.

GSK/aeg

TOWN OF PALM BEACH

ATTENDANCE RECORD (1997)

MEMBERS	1/97	2/97	3/97	4/ 97	5/97	6/97	7/97	8/97	9/97	10/97	11/97	12/97
Jeffery W. Smith	P											
Joanna Frost-Golino	P											
Eugene Pandula	P											
J. Albarran de Mendoza	P											
Arthur Silverman	P											
Lindley Hoffman	P											
Harrison Robertson	P											
ALTERNATES	1/97	2/97	3/97	4/97	5/97	6/97	7/ 97	8/97	9/97	10/97	11/97	12/97
Jane R. Grace	E											
Elizabeth Shields	P											
Sari M. Wilkey	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 (1997)

MEMBERS	1/ 97	2/ 97	3/ 97	4/ 97	5/ 97	6/ 97	7/ 97	8/ 97	9/ 97	10/ 97	11/ 97	12/ 97
Jeffery W. Smith	V2											
Joanna Frost-Golino												
Eugene Pandula												
J. Albarran de Mendoza												
Arthur Silverman												
Lindley Hoffman												
Harrison Robertson												
ALTERNATES	1/ 97	2/ 97	3/ 97	4/ 97	5/ 97	6/ 97	7/ 97	8/ 97	9/ 97	10/ 97	11/ 97	12/ 97
Jane R. Grace												
Elizabeth Shields												
Sari M. Wilkey												

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 ORIGIN DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY)

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

LAST NAME—FIRST NAME—MIDDLE NAME Smith, Jeffery W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
ADDRESS 241 Sanford Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach FL		CITY COUNTY OTHER LOCAL AGENCY Town	
COUNTY Palm Beach		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 1/15/97		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

Minutes

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

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:

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

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

RE: 780 South Ocean Boulevard

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

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

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on 1/15/, 19 97:

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

☐ inured to my special private gain; or

☒ inured to the special gain of LOWELL PAXSON, by whom I ~~am~~ ^{was} retained.

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

1/15/97: CoA#2-97 for 780 South Ocean Boulevard.

Date Filed

1/15/97

Signature

[Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME Smith, Jeffery W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 241 Sanford Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach, FL	COUNTY Palm Beach	CITY COUNTY OTHER LOCAL AGENCY Town	
DATE ON WHICH VOTE OCCURRED 1/15/97		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

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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.

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RE: 1100 South Ocean Boulevard projects

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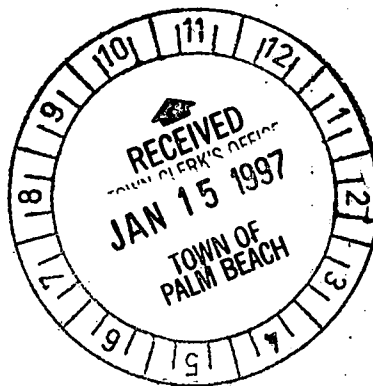
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(b) The measure before my agency and the nature of my interest in the measure is as follows:

☐ MRS. ARTHUR S. DE MOSS, THE ADJACENT PROPERTY OWNER
☐ HAS RETAINED ME AS HER ARCHITECT

1/15/97: CoA#52,96,#1-97,

for 1100 South Ocean Boulevard.



1/15/97

☐ Filed

[Signature]
Signature

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

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CITY Palm Beach, FL	COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
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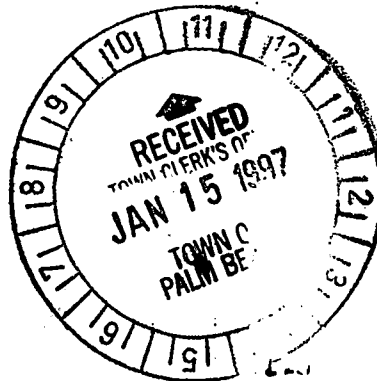
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