

# MIAMI BEACH

## City Commission Meeting

### ADDENDUM MATERIAL 1

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

April 17, 2013

Mayor Matti Herrera Bower  
Vice-Mayor Jonah Wolfson  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn

City Manager Jimmy L. Morales  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

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#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

#### ADDENDUM AGENDA

##### C4 - Commission Committee Assignments

- C4J Referral To The Land Use And Development Committee Regarding The Redevelopment Of The Talmudic University Property Located At 4000 Alton Road.  
(Requested by Commissioner Jerry Libbin)

##### R9 - New Business and Commission Requests

- R9H Discussion Regarding A Prior Agreement Between Ocean Drive Association And The City Of Miami Beach To Share The Costs Of Barricades To Be Placed On Ocean Drive During Memorial Weekend For The Safety Of The Patrons In The Sidewalk Cafes.  
(Requested by Commissioner Jerry Libbin)

**R9 - New Business and Commission Requests**

- R9I Discussion Regarding A Resolution Pursuant To City Code Section 118-591 Declining To Pursue The Proposed Designation Of 42 Star Island Drive As An Historic Site.  
(Requested by Vice-Mayor Jonah Wolfson)
- R9J Discussion Regarding Setting A Public Hearing To Amend The Miami Beach Police Department Law Enforcement Trust Fund (LETf) Budget To Accommodate The Purchase And Installation Of A Permanent License Plate Reader System On The Venetian Causeway.  
(Requested by Commissioner Jerry Libbin)



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Jerry Libbin, Commissioner  
DATE: April 10, 2013 JL/er  
SUBJECT: Referral item for the April 17, 2013 Commission meeting;

Please place on the April 17<sup>th</sup> Commission agenda, a referral to the Land Use and Development Committee regarding the redevelopment of the Talmudic University property located at 4000 Alton Road.

Please contact my office at ext. 7106 if you have any questions.

JL/er

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Jerry Libbin, Commissioner  
DATE: April 10, 2013 *JL/ar*  
SUBJECT: Agenda item for the April 17, 2013 Commission meeting;

Please place on the April 17<sup>th</sup> Commission agenda, a discussion regarding a prior agreement between Ocean Drive Association and the City of Miami Beach to share the costs of barricades to be placed on Ocean Drive during Memorial Weekend for the safety of the patrons in the sidewalk cafes.

Please contact my office at ext. 7106 if you have any questions.

JL/er

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy L. Morales, City Manager

CC: Jose Smith, City Attorney

FROM: Jonah Wolfson, Vice Mayor

DATE: April 11<sup>th</sup>, 2013

SUBJECT: Discussion Item for April 17<sup>th</sup>, 2013 Commission Meeting:

Resolution of the Mayor and City Commission of the City of Miami Beach Pursuant to City Code Section 118-591 Declining To Pursue the Proposed Designation of 42 Star Island Drive As An Historic Site

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Please place on the April 17<sup>th</sup>, 2013 Commission Agenda an item to discuss action by the City Commission to decline to pursue the proposed designation of 42 Star Island Drive as an historic site, as per letter to Commission 119-2013, attached.

By copy of this memo, I request the City Attorney to prepare a resolution declining to pursue this historic designation to accompany this item.

If you have any questions, please do not hesitate to contact my office at extension 6437.

JW/lh



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miami-beachfl.gov](http://www.miami-beachfl.gov)

OFFICE OF THE CITY MANAGER

LTC NO.

**119-2013**

RECEIVED  
2013 APR 10 AM 11:05  
LETTER TO COMMISSION  
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and  
Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 9, 2013

SUBJECT: Proposed Designation of the **42 Star Island Drive** as an Historic Site

At the April 9, 2013 Historic Preservation Board directed Planning Department staff to prepare a formal Historic Designation Report for the proposed designation of the single family home at 42 Star Island Drive, as an individual local historic site.

Pursuant to Section 118-591 of the City Code, when the Historic Preservation Board directs staff to prepare a designation report for a proposed new historic district or site, the Mayor and City Commission shall be notified of the board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the Historic Preservation Board to direct the Planning Department to prepare a designation report, the City Commission may, by a five-sevenths vote, deny or modify the proposed request for designation, as well as establish specific timeframes for the completion of the evaluation and recommendation and/or designation report. Within this 60 day period the City Commission may also, by a five-sevenths vote, deny or modify the proposed designation boundaries. The only scheduled City Commission meetings within this 60 day timeframe are on April 17, 2013, May 8, 2013 and June 5, 2013.

Attached, please find a copy of the Preliminary Evaluation and Recommendation Report, prepared by the Planning Department, which outlines the initial evaluation of the proposed local historic site located at 42 Star Island Drive.

Please advise if you would like this matter scheduled for discussion at one of these three available City Commission meetings.

Attachment (1)

JLM:JGG:RGL:WHC

F:\PLAN\B\ALLIGEN\_CORR\INTEROFF\LTC - 42 STAR ISLAND DR.DOCX

- C: Jorge G. Gomez, Assistant City Manager
- Rafael E. Granado, City Clerk
- Richard Lorber, Acting Planning Director
- Gary Held, First Assistant City Attorney





# MIAMI BEACH

## HISTORIC PRESERVATION BOARD PRELIMINARY EVALUATION AND RECOMMENDATION REPORT

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TO: HISTORIC PRESERVATION BOARD

FROM: Richard G. Lorber, AICP, LEED AP  
Acting Planning Director *WAC for RGL*

DATE: April 9, 2013

RE: HPB File No. 7351; Possible Designation of 42 Star Island Drive - as a Local Historic Site

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### **BACKGROUND**

On October 9, 2012, the owners of the home located at 42 Star Island Drive submitted an application to the Design Review Board for the total demolition of the existing home and the construction of a new two story single family residence.

The application came before the Design Review Board on December 4, 2012, and was continued to a date certain of February 5, 2013, in order to address the concerns expressed by the Board and staff.

On December 19, 2012, the Miami Design Preservation League submitted an application to the Historic Preservation Board requesting that the Board consider initiating the process for the historic designation of the single family home located at 42 Star Island Drive as a local individual historic site. It has been determined by the City Attorney that under Sec. 118-591(a)(1) of the City Code, any organization whose purpose is to promote the preservation of historic sites has standing to request the initiation of the historic preservation process.

At its February 5, 2013 meeting, the Design Review Board voted to continue the application for the proposed new residence at 42 Star Island Avenue to the March 5, 2013 meeting, at the applicant's request.

On February 12, 2013, the Historic Preservation Board discussed the proposed designation of 42 Star Island Drive as an individual local historic site. At this meeting, the Board directed staff to prepare a preliminary evaluation and recommendation report for the structure located at 42 Star Island Drive.

On March 5, 2013, the Design Review Board reviewed and approved an application for a new proposed residence at 42 Star Island Drive.

## PRELIMINARY EVALUATION

### Historic Significance

The existing residence at 42 Star Island Drive was constructed in 1925, and designed by prominent local architects De Garmo & Varney. Walter C. De Garmo, a native of Illinois, born in 1876, moved to Miami and opened a private architectural practice in downtown Miami, in 1904. Subsequently, he became the first registered architect in the State of Florida.

In addition to his private design projects, such as the McAllister Hotel, Miami's first high-rise hotel, constructed in 1916, De Garmo partnered with other prominent local architects on several important projects in South Florida in the first quarter of the 20<sup>th</sup> Century. These works included his partnership with Varney in the design of the Miami Beach Community Church, on Lincoln Road, in 1921, as well as the design of the J.W. Popham home, at 42 Star Island Drive, in 1925. In 1927, De Garmo partnered with distinguished local architects Phineas Paist and Denman Fink in the design of the highly celebrated 'Douglas Entrance', in Coral Gables. With the advent of World War II, De Garmo moved to Panama City, Florida, where he designed "Liberty Ships" for the war effort, before returning to South Florida in 1945, and reopened his private architectural practice. Walter De Garmo died in Coconut Grove, in 1952.

The 1925 residence at 42 Star Island Drive is a Classically influenced structure with Palladian symmetrical overtones. Both the street facing façade as well as the bay front facade are distinguished by a strong three story central block flanked by long two story side wings, implying symmetry. This tripartite configuration was often found in the revival of Roman symmetrical planning during the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries. On the primary facade, facing Star Island Drive, the strong three story central block of the home is divided into three equal bays. At the ground floor level, it projects forward to create a stately porte cochere with a three bay classically configured arcade facing the circular entrance drive. The second floor of this central block is distinguished on the primary facade by three handsome round arch windows, classically proportioned. The third floor of the central block was originally designed and constructed as an open loggia with classical balustrades between rectangular columns, supporting a hipped roof with barrel tiles. More recently, this covered third floor terrace was fully enclosed with multi-pane windows set in between the columns and the top rail of the balustrades. Flanking the dominant three story central block of the home, the two story side wings are of simpler design, defined originally by two story open verandahs capped by hipped roofs with barrel tiles.

The original floor plan for this 1925 waterfront residence was essentially a long shallow bar-type plan, approximately 24' in depth, inclusive of the depth of the

open exterior verandahs. The bar is approximately 100' in length (spanning substantially across the pie shaped lot). At its center, the bar plan is crossed at its center by the deeper three story central block.

The two story side wings of the home were designed with shallow depth to take full advantage of natural cross ventilation from the bay. This was an environmentally sensible design objective in the decades before air conditioning. The down side of this arrangement, however, was that the rooms were connected substantially end to end in railroad car fashion making a more centralized circulation plan for the home impossible. Access to the rooms was substantially from the open verandahs. Unfortunately, the original gracious open air verandahs were later fitted with continuous windows so they could function as enclosed air conditioned corridors accessing the rooms. At the north end of the home, the original plan varied in depth at the ground floor level to provide additional space for the kitchen and service areas.

As viewed from the front entrance gates as well as from the waterfront, the 1925 De Garmo and Varney designed residence, despite insensitive but relatively modest later alterations, continues to project a stunning and gracious presence on Star Island. Standing out among other residences on the island, it clearly meets the visual definition of a 'landmark' structure in Miami Beach.

In staff's opinion, there is no doubt that the existing residence at 42 Star Island Drive possess an integrity of location, design, setting, materials, workmanship, feeling and association and satisfies the evaluation criteria for local historic designation on several levels, including association with events contributing to the City's history; embodying the characteristics of a historical/architectural period; possessing of high artistic values; representing the work of a master architect(s), and; yielding information important in history.

Notwithstanding the above, however, the Planning Department is very reluctant to recommend that the Historic Preservation Board direct staff to prepare a formal Designation Report for local individual designation as an historic site. This serious reluctance is entirely due to the very late date for initiating the designation process, at which time the owner of the property was already properly before the Design Review Board seeking approval of a new residence on the site. If designation had been initiated well prior to the current owner of the home purchasing the property, staff would not have the same reluctance in recommending the commencement of the designation. In that instance, the prospective home buyer would have been fully aware that the home could be historically designated, and could have made a decision of whether or not to proceed with the purchase accordingly. This unfortunately is not the case, and the current owner purchased the home with no expectation that it might become historically designated.

While staff wishes very much that this rare early and highly significant residence in Miami Beach, designed by prominent architects De Garmo and Varney, could

be retained, restored, and even added onto in an appropriate manner, staff does not believe that local historic site designation of this property would be appropriate at this time. If however, the Board does direct the staff to prepare the designation report, staff is required under Section 118-591 (b) of the City Code to notify the City Commission of the Board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the Historic Preservation Board to direct the Planning Department to prepare a designation report, the City Commission may, by a five-sevenths vote, deny or modify the proposed request for designation, as well as establish specific timeframes for the completion of the evaluation and recommendation and/or designation report.

For additional historical information relevant to the subject property, please refer to Appendix 'A' 'Preliminary Historical Resources Report,' prepared by Daniel G. Ciraldo and Jeff Donnelly for the Miami Design Preservation League in February of 2013.

#### **RECOMMENDATION**

In consideration of the above Analysis of the Request, staff recommends that the Board not direct staff to prepare a Designation Report for the possible designation of 42 Star Island Drive, as an individual local historic site.

APPENDIX 'A'

42 STAR ISLAND DRIVE

HPB: 7351

February 2013

## PRELIMINARY HISTORICAL RESOURCES REPORT

### THE BUILDING

The original owner of today's 42 Star Island Drive was J.W. Popham. C.R. Justi was the general contractor for the structure and Permit #1463 was pulled in September 1925. Plumbing and electrical permits followed in December 1925. The CMB building card lists the dimensions as: front 126 feet, depth 24 feet, height 29 feet, stories 2 for a 13 room residence and garage. The CMB building card lists the cost at \$35,000, and the card does not show any significant modifications to the structure since its construction.

HistoryMiami (formerly History Museum of South Florida) holds drawings and plans for "Residence for J.W. Popham, Miami Beach." There are 31 numbered drawings and several unnumbered. The first numbered drawing held there is dated August 10, 1925 and signed by Walter C. DeGarmo; this drawing is marked "void." The second drawing is dated August 25, 1925 and is signed by Walter C. DeGarmo AIA and George A. Varney.

The unnumbered drawings dated in 1926 include plans for decorative ceilings with their assigned colors.

From the beginning, 42 Star Island was recognized as distinctly representative of its period. In the winter of 1933, the Popham estate was one of six in Greater Miami listed as destinations for a popular house and garden tour program. The New York Times described the tours "to the gardens of notable estates within the Greater Miami area. (January 22, 1933)." 42 Star Island was the first of three Miami Beach homes on the tour and the second overall, after Villa Serena, a now-landmarked property in Coconut Grove.

The size of the property and the building, their public visibility, their extravagant elegance, and their place in geography and time all argue for its significance as an irreplaceable piece of historical evidence and for a public process to determine that.

## THE LOCATION OF THE PROPERTY AND ITS PLACE IN HISTORY

Star Island is a man-made island originating from spoil excavated from Biscayne Bay adjacent to today's West Avenue and Bay Road on Miami Beach. John H. Levi, as President and Director, was the leading figure and guiding engineer of the Miami Ocean View Company which undertook the dredge and fill operation that created Star Island.

Star Island, while not the first dredge and fill operation on Miami Beach, did represent a significant advance from earlier efforts which had added to already existing land masses. The recruitment of the Pophams to buy and build in such a prominent public location on Star Island represents the culmination of these promotional and development efforts by Fisher, Levi, and Highleyman at the end of the first great Miami Beach boom in real estate development.



Levi had piloted Carl Fisher's boat around the southern end of the Florida peninsula, intending to meet Fisher in Jacksonville when, fatefully, he urged Fisher to join him in Miami.

Levi was first elected to the Miami Beach Council in 1918, serving more than 20 years. Levi was also President of Miami Beach First National Bank. Later, John H. Levi, as Mayor of Miami Beach, appeared on the cover of *Time Magazine* (1940.02.19).

The creator of Star Island, John H. Levi, is remembered today in the co-naming of Fifth Street on Miami Beach.

Built at the end of the first great boom, 42 Star Island Drive was the culmination of Levi's realized vision.

## THE ARCHITECTS

George A. Varney's footprints in history appear more in litigation than in architecture; Walter C. DeGarmo is one of the most significant figures in South Florida's architectural history.

The J.W. Popham residence on Star Island is marked on the drawings held at HistoryMiami as Walter C. DeGarmo's 238<sup>th</sup> Commission. It is one of several that he prepared for properties on Star Island and one of at least 32 he prepared for structures on Miami Beach. DeGarmo was a significant part of an architectural era.

DeGarmo, who came to Miami by 1906, was the first registered Florida architect in the area.

Among other significant buildings, DeGarmo is responsible for: Coral Gables Bank and Post Office, J.C. Penney Residence, McAllister Hotel, Hugh Matheson Residence, Miami Beach Community Church, Highleyman Residence, Coral Gables Administration Building, Ogden Residence, and his collaborations on the Douglas Entrance and Colonnade Building.

Of the era, Beth Dunlop writes: "No era before or since offered up so many romantic possibilities for Florida. Though the finished products often reflected the spontaneous whims of the architects and the improvisational impulses of the craftsmen, they were persuasively old and excessively elegant" ("*Inventing Antiquity: The Art and Craft of Mediterranean Revival Architecture*," *Journal of Decorative and Propaganda Arts*, 23,190-207). The J.W. Popham residence is more restrained and neo-classical than other revivalist structures of the era, but it participates in that spirit of "excessively elegant."



Photo via exMiami, Curbed.

## THE OWNER

James William Popham (1861 Hardin County, Kentucky – 1951 Miami, Florida)



JW Popham was a successful insurance broker who worked his way from humble beginnings in Kentucky to become a successful life insurance broker and an influential member of Atlanta Society. He was also one of the early owners of Miami Beach real estate, selling his original home to Al Capone before moving on to his final home of his own commission at 42 Star Island.

Popham was born 150 years ago during the Civil War in a small town in Kentucky. His highest level of education was 8<sup>th</sup> grade, yet he worked his way to become one of the most successful Insurance brokers in America. He held a series of managerial positions that would take him around the South, from Kentucky to North Carolina, Missouri, Oklahoma, and Dallas – with his positions published in several industry news outlets of the time. By 1906, Popham was listed as the 4<sup>th</sup> highest earning manager of 19 territorial managers across the US for Germania Life Insurance Company. In fact, he earned almost double the

salary of the company's President at the time. (*Annual Report of the Superintendent of Insurance of the State of New York – New York (State)*, Insurance Department, part 2. Page 74).

In 1911, JW Popham was appointed State Manager for Texas by The State Life of Indianapolis. By that time, he was noted for his vast experience: "Mr. Popham comes to the State Life with years of experience and starts out to write not less than \$5,000,000 of new business the first year" (*The Spectator: An American Weekly Review of Insurance*, Volumes 86-87, pages 84-85, published 1911).

In 1886 he married Modesta Popham in Hopkinsville, Kentucky. In 1896, two of their three children died of membranous croup within 19 days of each other. (*Atlanta Constitution* March 18<sup>th</sup> 1896 "Lost Two of Their Children," page 9). Two years after the tragedy, Modesta gave birth to son Kimball. He would be followed by son Frederick and daughters Delphine and Dorothy. (Sources: 1900 & 1920 Census).

In 1922 the family moved to Atlanta. Their 2 single daughters were introduced to society as "Lovely Members of Younger Set" in a 1922 profile by the Atlanta Constitution. The Popham family leased the home of JH Whitten on Peachtree road in Atlanta's fashionable Buckhead district.

Dorothy graduated from Washington Seminary and subsequently attended Mrs. Semple's school in New York. She completed her education in Europe, where she spent several months travelling. Before moving to Atlanta, Miss Popham "was a student at the fashionable Miss Hockaday's school in

Lovely Members of Younger Set  
Photo by AlCrosby  
*The Atlanta Constitution* (1881-1943); Sep 17, 1921  
ProQuest Historical Newspapers Atlanta Constitution (1865 - 1943)  
pg. 61



Miss Delphine Popham and Miss Dorothy Popham, recent charming additions to Atlanta's younger set. They are the daughters of Mr. and Mrs. J. W. Popham, formerly of Dallas, Texas, and with their parents spent the summer at the Georgian Terrace. Mr. and Mrs. Popham have now moved into the home of Mr. and Mrs. J. H. Whitten on Peachtree road, which they have leased.

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Dallas, Texas. According to the announcement, "Miss Popham and her sister, Miss Delphine Popham, have endeared themselves to a host of friends since their residence in Atlanta and have enjoyed a wide popularity with the younger social contingent" (*Atlanta Constitution*, Sep 17 1922, page E4 "Lovely Members of Younger Set").

Dorothy married Frank L Stanton, Jr, in 1925 at the family home on Peachtree Road in Atlanta. Her husband was a son of Frank L Stanton, who was the first poet laureate of the State of Georgia, a post to which he was appointed by Governor Clifford Walker in 1925. Frank's brother Val lived in Miami at the time of the engagement. Mr. Stanton was an advertising manager of the George Muse Clothing company and considered "one of Atlanta's well-known young business men." (*Atlanta Constitution*, Sep 20, 1925, "Miss Dorothy Popham Will Wed Frank Stanton, Jr., in October")

Popham's affinity for Miami Beach was widely known and press about his travels helped build awareness for Miami Beach in its earliest years of development. "Mr. Popham left Atlanta last week to spend the winter at his magnificent Florida home on Palm Island, off Miami, the place being one of the show spots of that city and abounding in excellent year-round fishing" (*Atlanta Constitution*, Oct 19 1924).

James W Popham purchased 93 Palm Avenue from realtor Clarence Busch, who had built the home as an investment. Unknowingly, Popham later sold the house to Al Capone. Capone was not in search of a house, but was approached by hotel owner Parker Henderson Jr., son of a former Mayor of Miami and then Miami Mayor John Lummus, Jr, who was also a realtor. Seeing Popham's home, Capone was immediately hooked. Popham was furious when he found out through insurance records that Capone was to be the new owner of the house, as he had believed that he was selling it to Parker Henderson, Jr. (Source: Myalcaponemuseum.com)

In 1928, JW Popham filed suit to foreclose on Al Capone's winter home. Popham alleged that he sold the property on Palm Island for \$30,000 to Parker Henderson and that the Capones never paid the indebtedness or any part of it (*Los Angeles Times*: Sep 13, 1928, page 5).

SUIT FILED ON CAPONE'S MIAMI HOME  
*Los Angeles Times* (1928 Current File): Sep 13, 1928;  
 ProQuest Historical Newspapers Los Angeles Times (1881 - 1989)  
 pp. 5

## SUIT FILED ON CAPONE'S MIAMI HOME

*Foreclosure of Mortgage  
 Sought in Litigation  
 Naming Gang Chief*

MIAMI (Fla.) Sept. 12. (AP)—A suit to foreclose a mortgage on the winter home here of Al Capone, Chicago gang leader, and request that the court appoint a receiver to take over the property pending litigation, were filed in Dade County Circuit Court by J. W. Popham, former owner, against Parker A. Henderson, son of a former Mayor of Miami, and Mrs. Mae Capone, joined by her husband, Al Capone. Popham in his suit sets forth that Henderson entered into an agreement to purchase the Palm Island property from him for \$30,000. The indebtedness was secured by a mortgage deed on the house and lot. Three promissory notes of \$10,000 each were signed by Henderson for the property and the deal was consummated on April 2, last.

The Capones are mentioned in the suit as nonresidents of Dade county with their legal residence believed to be in Cook county, Illinois. Henderson is called an agent for the Capones in the transaction. The defendants also, according to the suit, have failed and refused to pay the indebtedness or any part of it.

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J. W. Popham, Hunting and Fishing Expert, Tells Interesting Big-Game-Hunt Story  
*The Atlanta Constitution* (1881-1943); Oct 19, 1924;  
 ProQuest Historical Newspapers Atlanta Constitution (1868 - 1945)  
 pp. 7

### J. W. Popham, Hunting and Fishing Expert, Tells Interesting Big-Game-Hunt Stories

J. W. Popham, local hunting and fishing expert, and his son, Frederick Popham, displaying some of their most prized hunting and fishing trophies.

The trophies include the mounted head of a giant buck killed in Texas, and two mounted sbavores, weighing 25 pounds each, caught off the California coast.



Popham was known as an expert hunter and fisherman. At 63 years old, he recounted some of his adventures to the *Atlanta Constitution* in 1924. He described his greatest hunting prize, a giant deer of 300 pounds captured in Texas that hung in the family home in Atlanta: "Mr. Popham stood on the side of a hill, and with a Remington .30 calibre automatic rifle, bowled over the big beast as he stood on an opposite hillside 400 yards away across a valley". (Oct 19 1924 *Atlanta Constitution*, page 7)

At the age of 64, Popham commissioned Walter DeGarmo to build 42 Star Island, which would be his most elegant and final home in Miami Beach. It would serve as his Florida base until his death in Miami in 1951, at the age of 90.

In the 1930 census, JW Popham's home was valued at \$70,000. Popham, 69 years old at the time, was listed as still working as an insurance broker. He lived at the home with his wife, daughter Delphine, and the family cook and gardener.

### **Modesta Popham (1860 – 1957)**

Modesta Popham was a well-regarded socialite of Atlanta and Miami Beach. Born the year before James W Popham in a nearby town in Kentucky, Mrs. Popham married James in 1886. They would spend 65 years together before James's death in Miami in 1951. One incident demonstrates that Mrs. Popham believed that land use decisions deserved public participation and that women should be part of the process.

In 1909, Mrs. Popham joined her Atlanta neighbors in opposing the construction of what they believed to be an out-of-place hospital near her home. The objection was published in the *Atlanta Constitution*:

"The section is exclusively a residence section and has been built up with splendid homes, much of the property being purchased subject to building restrictions, and improved in the faith that no objectionable buildings or institutions would be erected in the community. While the proposed institution is a notable charity with which we sympathize, we feel that it would succeed as well located elsewhere; that its location at said site would be decidedly unpleasant to us and would be a very great disadvantage to our property, and if located at this particular place, a very great disadvantage to our community.

We earnestly request that you abandon this location and seek another."

(*Atlanta Constitution*, Oct 7, 1909, page 6, "Objection is Made to Hospital Site")

Mrs. Popham's social outings were documented in both the *Atlanta Constitution* and the *Miami News*, (*Atlanta Constitution*, March 26 1923, *Miami News*, March 24 1927). Mrs. Popham died in Miami in 1957 at the age of 97.

The Popham family, typical and yet distinctive among the newly rich families recruited by Fisher and his partners to bring wealth and social prominence to Miami Beach in the 1920s, played, by their presence, a significant role in the history and development of Miami Beach.

## SUMMARY

This preliminary survey demonstrates the capacity of the available resources to document the public's interest in the possible historic designation of the property.

Daniel G. Ciraldo  
Jeff Donnelly  
Miami Design Preservation League

### Attachments

Building Card for 42 Star Island Drive  
*New York Times*, January 22, 1933.

Order No. 7-25-2003

Permit No. 2063

Mailing Address

Lot 47

Address

Subdivision

General Contractor C. S. Just

Address

9041

Architect DeGarmo & Verney

Address

Use

Front 156' Depth 24'

Stories 2

Height 29'

Type of construction

Foundation Fills & Concrete

Roof Tiles

Cost \$ 35,000.00

Plumbing Contractor

Address

Date

Plumbing Fixtures

Address

Date

Gas Stoves

Address

Date

Gas Heaters

Address

Date

Sewer connection

Make

Date Dec 7-1935

Plumbing approved by

Address

Date

Final approved by

Address

Date

Septic tank

Make

Date Dec 31-1935

Electrical Contractor

Address

Date

Switch

Range 1

Motors

OUTLETS Light 94

HEATERS: Water

Space

Receptacles

Centers of Distribution

Address

Electrical Contractor

Address

Date Dec 1-1935

No. fixtures set 20

Final approved by

Date

Date of service

Address

Date

Alterations or repairs

Address

Date Dec 1-1935

Repair den Fall - Masonry Foundation, G.I. & 3000.00

Address

Date Dec 1-1935



BUILDING PERMITS: #B8801204 - 8-31-88 - Aqua Clear Pools - 22,710 gal pool and 1150 sq. ft. paver pat - \$18,000.00 *OK*  
#M8900381 - Aqua Clear Pool - Violation, no permit, pool heater, mandatory fine 303.3 - 2-3-89 *OK*

PLUMBING PERMITS: #P8801267 - Aqua-Clear Pools - Discharge well, pool piping - 9-16-88 *OK*  
#P8800118 - Peoples Gas - 1 Meter set (gas) - 11-8-88 *OK*

ELECTRICAL PERMITS: #E8800114 - Moody Electric - 3 Switch outlets, 3 light outlets, 2 receptacles, 100A service size in amp's, 2 motors, 1 motors, over 1 - 10-24-88 *OK*

CITY OF MEMPHIS PERMITS OFFICE COPY

# MIAMI BEACH CLUBS OPEN

## Surf and Bath Units Are Arranging Gala Programs—At Other Florida Centres

Special to THE NEW YORK TIMES.

MIAMI BEACH.—Providing a fitting climax to the social activities of January will be the formal opening of the Surf Club on Saturday night, which is also introductory to the annual series of gala dinner dances to be sponsored by the club this winter. There has been much informal entertaining thus far at both the Surf Club and the Bath Club and the event provides a notable formal climax to the informal entertaining thus far attendant upon the period of horse racing which has just had its pro-nôtre at Hialeah Park, Miami, with many of the Palm Beach set in attendance.

Alfred I. Barton, secretary of the Surf Club, has completed the schedule of dinner dances to follow Saturday's formal opening. These include a party on Feb. 4 entitled Starlight; a St. Valentine's ball on Feb. 11; a party on Feb. 18 entitled Venezia; the annual carnival on Feb. 25; a Monte Carlo party on March 4, and the annual Orange Ball concluding the series, on March 11. In addition will be the usual Thursday night supper dances throughout the season.

Among the notable events of late January will be the annual outing of the committee of one hundred at Coccolobu Cay, on a date to be announced.

Much entertaining to honor friends here for tennis and notable players competing will feature the Miami Biltmore All-South tennis championships which, sponsored by the Florida Year-Round Clubs, will open tomorrow on the courts of the Miami Biltmore Country Club, Coral Gables, to continue to Jan. 20. Singles and doubles events will feature the tournament, the singles winner to be awarded the handsome trophy presented by Henry L.

Doherty, president of the Florida Year-Round Clubs. Messrs. George Lott, Gregory Mangin, Cliff Sutter, Berkeley Bell and Dr. Gene McAniff are among the better known players entered.

Continuing the custom of last season, the Riverside Garden Club of Miami has again arranged a series of tours to the gardens of notable estates within the Greater Miami area, and the initial visit last Thursday to Villa Serena, bayfront estate, home of the late William Jennings Bryan in Coconut Grove, will be followed by a visit this Thursday to the estate of J. W. Popham on Star Island in Biscayne Bay, and succeeding visits to the C. F. Coombs estate at Coconut Grove on Feb. 2; the estate of Mrs. Elliott F. Shepard at Miami Beach on Feb. 9; the Hugh M. Matheson estate at Coconut Grove on Feb. 16, and the Byron D. Miller estate at Miami Beach on Feb. 23.

The New York Times

Published: January 22, 1933

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**RESOLUTION NO. 2013- \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH PURSUANT TO CITY CODE SECTION 118-591 DECLINING TO PURSUE THE PROPOSED DESIGNATION OF 42 STAR ISLAND DRIVE AS AN HISTORIC SITE.**

**WHEREAS**, on approximately September 17, 2012, Dr. and Mrs. Leonard Hochstein obtained title to the home located at 42 Star Island Drive, Miami Beach, Florida; and

**WHEREAS**, on October 9, 2012, the Hochsteins submitted an application to the Design Review Board for the total demolition of the existing home and the construction of a new two story single family residence at that property; and

**WHEREAS**, the existing home at 42 Star Island Drive was constructed in 1925, and designed by prominent local architects De Garmo & Varney; and

**WHEREAS**, the application came before the Design Review Board on December 4, 2012, and was continued to a date certain of February 5, 2013, in order to address the concerns expressed by the Board and staff; and

**WHEREAS**, on December 19, 2012, the Miami Design Preservation League ("MDPL") filed an application with the Planning Department requesting that the Historic Preservation Board consider initiating the process for the historic designation of the single family home located at 42 Star Island Drive as a local individual historic site; and

**WHEREAS**, under Section 118-591(a)(1) of the City Code, any organization whose purpose is to promote the preservation of historic sites has standing to request the initiation of the historic designation process; and

**WHEREAS**, at its February 5, 2013 meeting, the Design Review Board voted to continue the application for the proposed new residence at 42 Star Island Avenue to the March 5, 2013 meeting, at the applicant's request; and

**WHEREAS**, on February 12, 2013, the Historic Preservation Board discussed the proposed designation of 42 Star Island Drive as an individual local historic site. At this meeting, the Board directed staff to prepare a preliminary evaluation and recommendation report for the structure located at 42 Star Island Drive; and

**WHEREAS**, on March 5, 2013, the Design Review Board reviewed and approved an application for a new proposed residence at 42 Star Island Drive, and has issued an Order ("DRB Order") in file no. 22936, with respect to proposed new construction and demolition at 42 Star Island Drive; the DRB Order was dated and rendered on March 6, 2013.

**WHEREAS**, under City Code section 118-168, the issuance of the DRB Order has created a presumption of temporary equitable estoppel, subject to the DRB Order becoming final, against land development regulation amendments, as further explained in that section. Included in the term land development regulation amendments is an amendment to the City Code and/or zoning map designating the existing structure on the Property, and/or the Property, as historic; and



**WHEREAS**, after the DRB Order becomes final, a permanent presumption of equitable estoppel arises, protecting the Property against the imposition of certain amendments to the land development regulations that would affect the Property, including historic designation (as long as the DRB Order remains valid or is implemented); and

**WHEREAS**, on March 26, 2013, the Miami Design Preservation League ("MDPL") filed an appeal of the DRB Order as provided in City Code section 142-108(g), which will be heard by a special master of the City of Miami Beach, in accordance with the procedures of the City Code. Thereafter the appeal may be reviewed in Circuit Court, if a further appeal is filed; and

**WHEREAS**, even though, on April 9, 2013, the HP Board instructed staff to prepare a designation report on the Property, zoning in progress does not attach, and the procedures for HP Board review of certificates of appropriateness, and certificate of appropriateness for demolition at the Property, as provided in Chapter 118, are not required, due to the presumption of temporary equitable estoppel discussed above. In the event the DRB Order is reversed, however, pursuant to an order that becomes final following adjudication by the special master or a court of competent jurisdiction, the presumption of equitable estoppel would expire, zoning in progress would take effect, and such procedures would be required, which could affect the issuance of demolition and building permits for the Property; and

**WHEREAS**, a process for review by the Mayor and City Commission of decisions rendered by the Historic Preservation Board when that Board instructs staff to prepare a designation report in connection with an application to designate a property within the City historic has been established under Section 118-591 of the City Code; and

**WHEREAS**, in order to take action pursuant to Section 118-591(b), a 5/7<sup>th</sup> vote of the City Commission is required; and

**WHEREAS**, the City Commission has determined that the Hochsteins could not have reasonably expected that the home on the property they purchased would be involuntarily designated historic, based on the long standing practice and policy of the City not to involuntarily individually designate single family homes within the City; and

**WHEREAS**, involuntary designation in the City requires at least five public hearings, before the Historic Preservation Board, Planning Board and City Commission, before a final decision can be made on designation; and

**WHEREAS**, the City Commission has determined that it would be highly inequitable for the designation process to continue if five members of the City Commission could not support the designation of the property under the circumstances; and

**WHEREAS**, the purpose of the City Commission's review under Section 118-591 is to avoid a long process of multiple public hearings if inevitably the Commission would vote against designating the property historic; and

**WHEREAS**, the City Commission, at the City Commission meeting of April 17, 2013, after being duly advised, by a vote of \_\_\_\_\_, has determined that declining to pursue, and thus denying, the proposed designation at this stage of the designation process is appropriate under the circumstances.

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor and City Commission hereby decline to pursue and thus deny the application of the Miami Design Preservation League to designate the property at 42 Star Island Drive historic, for the reasons stated above.

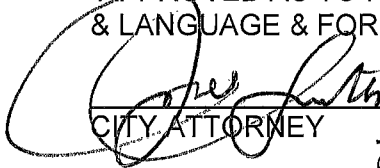
**PASSED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM  
& LANGUAGE & FOR EXECUTION

  
\_\_\_\_\_  
CITY ATTORNEY *gll*

4/15/13  
DATED



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Jerry Libbin, Commissioner

*JL/er*

DATE: April 10, 2013

SUBJECT: Agenda item for the April 17, 2013 Commission meeting;

Please place on the April 17<sup>th</sup> Commission agenda, an item setting the Public Hearing to amend the Miami Beach Police Department Law Enforcement Trust Fund (LETF) budget to accommodate the purchase and installation of a permanent License Plate Reader System on the Venetian Causeway.

Per my discussions with Administration, the Police Department had planned to submit a request for 1 License Plate Reader unit at an estimated cost of \$85,000 as part of their FY 2013/14 budget request. However, there is sufficient available funding in the LETF funds at this time, so that the procurement can be expedited.

Please contact my office at ext. 7106 if you have any questions.

JL/er

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