

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, NOVEMBER 16, 1990

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

I. Call to Order: The meeting was called to order at 9:03 a.m. by Donald W. Curl, Acting Chairman.

II. Roll Call:

PRESENT: Donald W. Curl, Ph.D, Vice Chairman/Acting Chairman
Jane Volk, Member
Sally Gingras, Member
William Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Arthur Silverman, Alternate Member
Wilmer J. Thomas Jr., Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator
James Edward Sved, Preservation Consultant

ABSENT: Elise P. Mackintosh, Secretary

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Anne Metzger arrived at 9:07 a.m.

Let the record show that a Court Reporter was present for the Designation Hearing regarding 255 South County Road, the First National Bank in Palm Beach, and let it be known that the Court Reporter's transcription will serve as the official record of same designation hearing, and as such, will be a part these Minutes, when the Town is in receipt of same.

Dr. Curl congratulated Jacqueline Albarran de Mendoza on her change of status from Alternate Member to Member. She will complete the term of Mr. Sullivan, the former Chairman.

III. Approval of the Minutes of the October 19, 1990 Meeting

MOTION BY MRS. VOLK TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 49-90, New Stair

Applicant: John J. & Laura Pomerantz

Owner: John J. & Laura Pomerantz

Address: 780 South Ocean Boulevard

Architect: Smith Architectural Group

Project Description: Request approval to add new spiral masonry stair from upper courtyard to swimming pool level.

Mr. Jeff Smith came before the Commission seeking a formal approval on this item which had been informally presented to the Commission at the October, 1990 meeting. At that time, the Commission voiced their informal approval of the change pending proper legal advertisement.

Mr. Frank noted, for the record, that no commentary from the public had been received about this change to the site.

MOTION BY MRS. GINGRAS TO APPROVE THE STAIR AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 50-90, Signage & plant materials on front & side of building

Applicant: Plants, Etc./Palm Beach Botanicals

Owner: Bustani Building Ltd.

Address: 350 South County Road

Project Description: Identification signage consisting of "Palm Beach Botanicals" and "Plants, etc." on the window in green vinyl lettering; also, request approval for planter boxes in front and plants and flowers along front and side of building.

Mr. Frank noted that the requested signage previously included a palm tree which constituted a "logo". As logos are not permitted in the Town, per the Zoning Code, the applicant was notified of same, and has since removed the logo. The signage had been erected without benefit of review or approval by the Landmarks Preservation Commission, and the applicant is here today to seek same. The applicant is also petitioning for approval of planter boxes in the front of the building, and plants and flowers along the side of the building.

Mr. Messing, owner of Plants Etc./Palm Beach Botanicals, addressed the Commission. He apologized for erecting the sign without LPC approval. Staff advised him to apply for same, and to leave the sign until such time as it was heard by the Commission, but to remove the logo immediately. The signage consists of the shop name in green vinyl lettering, and, as Mr. Messing said, is small and inconspicuous. He stated that there is no plan for a larger sign, and requested approval of the existing signage.

Mr. Frank clarified that this is an approval of the sign as it exists now, without the logo.

MOTION BY MRS. VOLK TO APPROVE THE SIGNAGE AS IT EXISTS.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Planter Boxes

Regarding the planter boxes, Mr. Messing stated that for nine years, Plants, Etc. has always displayed plants for purchase on the exterior of the shop, and the plants have continually been rotated in good taste. Mr. Messing felt that to continue this exterior display is appropriate for the new shop location, will add warmth and a decorative touch to the area, and is an asset to the Town. Mr. Messing added that the building was deliberately designed with a large setback to allow for plants on the sidewalk. In his opinion, the plants did not represent a hazard to the public.

Mrs. Volk commented that it is very attractive, in her opinion, and there is a tradition of plants being in that area of the old Bustani Building.

Mr. Moore advised that it would be appropriate to deal with the east and south elevations separately. Regarding the east elevation, it is true that the setback does exist along with a history of plant display, as Mrs. Volk said. There is, however, a small problem of encroachment into the public right-of-way by four (4") inches. Mr. Dusey, Director of Public Works, has authorized this encroachment. In light of this, Staff has no objection to the east elevation planter boxes.

Regarding the south elevation, Mr. Moore commented that this is a classic grey area of interpretation. The area is now well-decorated with outdoor plants. If it is used

as a sales area, this would constitute an expansion of the retail space, which would not be permitted without Town Council approval. If the Commission approves this Certificate of Appropriateness, Staff would ask that a caveat be added, that the exterior space is not a merchandise area. Subsequent to the caveat, if it is found that it is being used as a sales area, the Town will immediately ask that Mr. Messing cease and desist.

Some Commissioners felt that this caveat was too restrictive, however, Mr. Moore quickly pointed out that other merchants, for example, a dress shop, does not have the ability to have their merchandise on the exterior of the shop. From a strict zoning perspective, Mr. Messing cannot sell from the exterior.

MOTION BY MRS. GINGRAS TO APPROVE THE REQUEST AS PRESENTED ON THE EAST ELEVATION, AND TO APPROVE THE REQUEST AS PRESENTED ON THE SOUTH ELEVATION WITH THE CAVEAT THAT IT IS PERMISSIBLE TO USE THE EXTERIOR SPACE FOR DISPLAY, BUT NOT FOR SALES.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 51-90, Identification signage

Applicant: Evelyn L. Roesser for Cocoanut Palm Cleaners
Owner: Michael L. Brummel

Address: 361 South County Road

Project Description: Request approval for identification signage with painted lettering on lucite to read "Cocoanut Palm Cleaners" to be hung on the inside of the center window.

This signage, as detailed above, originally included a logo, which has since been removed. A picture of the existing 24"x48" sign was presented to the Commission.

MOTION TO APPROVE THE SIGN WITHOUT A LOGO, AS PRESENTED.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 52-90,
Facade modifications

Applicant: Merin/Hunter Company Property Management

Owner: W.A. Inc.

Address: 339 Worth Avenue

Architect: The Lawrence Group

Project Description: Request approval for modifications
to previous CoA for changes to
facade. Change stucco front to
scored masonry to look like stone.

Mr. Frank stated that Via Mizner is under new management, and they, in this application, want to create a continuity among the treatments of different sections of this building. This, however, is a Mizner design, and Mizner deliberately mixed his materials so that a building would appear as though it evolved through the generations. As a marketing technique, similarity in architecture could be advantageous, but from an architectural or preservation perspective, Mizner's designs oppose similarity. Mr. Frank further noted that Mr. Lawrence has done some beautiful restorative work at this site over the past year, and now has put forth this request.

Dr. Curl stated that there are actually two separate buildings on this site. Mrs. Volk commented that traditionally, what has made Worth Avenue interesting is a mixture of architectural styles.

Mr. John Nedvins, of Merin Hunter, property managers, stated that between the arches is a recessed, rough, and dirty stucco. They would like to infill the stucco and create a simulated stone to match in color. They want it to look like one property...a cleaner look.

Dr. Curl commented that when the first proposals came before the Commission for re-doing Via Mizner, an attempt was made to "Gucci-ize" the structure, and yes, it is attractive, but it is not the Via Mizner that it once was. Now, it looks like most of the other vias on the Avenue. He stated that the facade is still attractive, and that dirt is not a real factor here. He did not feel this was an improvement.

Mr. Thomas commented that the request is not for "cleaning it up", but for much more than that, which would destroy the originality of the design.

MOTION BY MRS. GINGRAS TO DISAPPROVE THIS PROJECT.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings

Item 1: 255 South County Road
OWNER: First National Bank in Palm Beach
LEGAL: LENGTHY LEGAL DESCRIPTION ON FILE AND AVAILABLE
IN THE PLANNING, ZONING & BUILDING DEPARTMENT

(PLEASE NOTE THAT THE COURT REPORTER'S TRANSCRIPTION OF THIS DESIGNATION HEARING, WHEN PRODUCED, WILL SERVE AS THE OFFICIAL RECORD OF THESE PROCEEDINGS.)

(A BRIEF SUMMARY ACCOUNT OF THIS HEARING IS ATTACHED TO THIS RECORD.)
(A VOTING CONFLICT FORM COMPLETED BY JANE VOLK IS ON FILE WITH THESE MINUTES REGARDING THIS ITEM.)

(PLEASE NOTE THAT THE FOLLOWING IS A VERBATIM TRANSCRIPT OF THE REMAINING DESIGNATION HEARINGS.)

Mr. Frank: O.K. A little housekeeping before we proceed. The record should show that Mrs. Volk has returned, and for this item Mr. Thomas will not participate in the vote, although we'll be asking for Mr. Thomas to comment.

Item 2: 300 El Brillo Way
OWNER: R.D. Huntington
LEGAL: LENGTHY LEGAL DESCRIPTION ON FILE AND AVAILABLE
IN THE PLANNING, ZONING & BUILDING DEPARTMENT

Dr. Curl: We are going to the second of our designations. This is 241 Seaview Avenue, Owner - Palm Beach Private School, Legal: Lots 692-752 INCLUSIVE, POINCIANA PARK, 3RD ADDITION, PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 72. And, at this point, is there verification of notice of legal service for designation?

Mr. Frank: Are we out of sequence?

Dr. Curl: Did I miss one entirely? Oh, I turned the page. I'm sorry. What page is it?

All: We're on page 4.

Dr. Curl: Forget everything I've just said.

Mr. Gubelmann: Strike that from the record.

Dr. Curl: O.K. Item 2. 300 El Brillo Way. Owner - R.D. Huntington.

Legal - ALL THE FOLLOWING PIECES, PARCELS OR TRACTS OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, and I give you that (referring to the legal description as noted on the agenda). Can we verify that legal service has been received?

Mr. Frank: Yes, Mr. Chairman, legal service has been processed and we have received a return receipt.

Dr. Curl: Will the secretary swear in all witnesses?

Mr. Randolph: Let me make a point. In regard to Staff, they should be sworn in now, but let it be for all of the remainder of the items that are on the agenda.

Mrs. Delp: Do you swear or affirm that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

(Let the record show that Timothy Frank and James Edward Sved were sworn.)

Dr. Curl: May we have the Staff's presentation?

Mr. Frank: Thank you. As before, I'll be reading the criteria, and Mr. Sved will be following with his commentary. I'd like to mention at this point, however, that Mr. Gus Broberg is the attorney for the owners. He had another commitment and had to leave, and he wanted me to pass on to the Commission that the owner had no objections to this designation. Again, this is 300 El Brillo Way, or El Brillo, and under the category of Criteria for Designation, Staff believes that it meets criterion...

(c) that this structure 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.

also, criterion (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.

(Please see the justifications for the above designation criteria, per the Designation Report, attached to these Minutes.)

In this case, the architect is Maurice Fatio. The biography is attached. Mr. Sved, could you continue with the presentation?

Mr. Sved: Thank you. The building at 300...the property at 300 El Brillo Way actually sits at the corner of El Brillo and Travers Way. The structure was built in 1936, and as Mr. Frank said, it was

designed by the architectural firm of Treanor and Fatio. At the absolute corner of Travers and El Brillo Way is this very large and beautiful banyan tree. At right, you can see there is a historic marker on the tree. (referring to his slide presentation) The property is densely, is densely covered with foliage, and it is a very beautiful sprawling natural effect, very unlike most of the sculpted trees you find here in Palm Beach. This is very natural. At left is a photograph of the approach and main entrance into the property, and at right is the main house itself. It is a British Colonial design with a spanish tile roof, barrel clay tile. At left again, you see the main house, and on the right slide you see what is almost an L-shaped extension of the main house, and that is guest quarters. Again, the same style, same design, same materials. I should add that you can see in both slides that all of the structures on this property are built out of brick and they are also, the brick is laid in a Flemish bond, which is a more beautiful and a much more durable method of construction. Again, here at left you see the main house and its supporting road, and at right, you can see the side of the western face of the guest house. Finally, at left you see a garage which, I might add, is very close to the street, as well as another tree which is right at the street frontage, and the guest house is right there, which is also much closer to the street than, I believe, current codes would allow. This building, the plants, the property are all probably unparalleled here in Palm Beach. It's densely foliated, and the beauty of this site is uncompromising. It's very worthy of Landmarks consideration.

Dr. Curl: Thank you, Jim. At this point, we need to...

Mr. Gubelmann: May we MOVE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Dr. Curl: At this point, we need to call any other witnesses that might be here. I take it there are none, and this is a voluntary designation. Are there any comments from the Commission? Then, I think we should make a motion.

Mr. Silverman: Do we automatically designate this?

Mrs. Volk: No, we MOVE THAT THE PROPERTY AT 300 EL BRILLO WAY BE RECOMMENDED TO 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.

Dr. Curl: We have sent the Town Council our recommendation on 300 El Brillo Way.

Item 3: 241 Seaview Avenue

OWNER: Palm Beach Private School

LEGAL: LOTS 692-752, INCLUSIVE, POINCIANA PARK, 3RD ADDITION, PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 72.

Dr. Curl: Can the Staff verify that notice of legal service has been received?

Mr. Frank: Yes, Mr. Chairman. It has.

Mrs. Metzger: Mr. Chairman, I have a conflict.

Mr. Frank: Mrs. Metzger has declared a Conflict of Interest. For those in the audience, she serves on the Board of the Day School. We'd like to ask Mr. Thomas, if he's still around, to vote. This is the Palm Beach Day School, and before reading the criteria into the record, and the Staff recommendation...

Dr. Curl: Please may I ask if there are any witnesses that need to be sworn in. (none present)

Mr. Frank: Oh, I'm sorry. O.K. Thank you, Mr. Chairman. The Day School is located at 241 Seaview Avenue, and unlike the First National Bank, we have a letter which I'd like to read into the record because there is no one here to present the case for themselves, so with your permission, I'd like to read this into the record. This is from Palm Beach Day School, dated November 14, 1990. It's to the Landmark Preservation Commission in care of Tim Frank, Landmarks Projects Coordinator, Town of Palm Beach, Re: Palm Beach Day School.

Dear Mr. Frank: We are pleased to voluntarily designate Palm Beach Day School to the Landmarks Preservation Commission as a local landmark. Although we have no current plans, at some point in the future, we may need to accommodate the ever-changing special educational needs of our students. We would appreciate the Landmarks Preservation Commission's cooperation in carrying out any such efforts in the future. We appreciate the honor the Landmarks Preservation Commission has bestowed upon us in this designation, and we look forward to working with the commission in the future. Sincerely, Thomas M. Keresey, Chairman, Board of Trustees.

Moving on to the criteria, Staff believes that the subject structure meets the following criteria...

(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.

and (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.

(Please see the justifications for the above designation criteria, per the Designation Report, attached to these Minutes.)

In this case, it is Marion Sims Wyeth, and his biography is attached. Mr. Sved, would you continue the presentation.

Mr. Sved: Thank you. The original building of the Palm Beach Private a/k/a Palm Beach Day School is the building here in the slide, built by Marion Sims Wyeth, designed by Marion Sims Wyeth, and built in the Art Moderne or Art Deco style in 1931. The notable features of this style that you can see on this structure are the overall verticality brought out by the windows and the inlays inside the windows. The intention here is to make the building to appear vertical even though it is only a two story structure. You can also notice the inlay carving on the picture, the slide at right, the simplified pilasters and the stylized eagles in the entrance at left, and also, the ornate work on the front door. On either side of this original structure, are additions made by Peacock and Lewis sometime after 1968. These additions are a totally different style. They are actually playing on the variation of the Illinois Institute of Technology's design by Mies van der Rohe, however, the overall theme of verticality is carried throughout the design. Here you can see how the verticality of two different styles play off of each other and also play with each other. To sum up this building, the entire structure, well not all of it is over 50 years old. The additions are considered worthy in their own right, and the entire structure is totally worthy of landmark designation.

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

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

Dr. Curl: Are there any other witnesses who wish to testify? Are there any comments from the Commission?

Mr. Gubelmann: As a former student of the Day School, I'm not sure that I can be very thankful that this place will be around in perpetuity, but I guess future generations will be able to suffer as I

did, so I'm in favor of it.

Dr. Curl: I think the testimony has been concluded.

MOTION BY MRS. VOLK THAT THE PALM BEACH PRIVATE SCHOOL, 241 SEAVIEW AVENUE, BE RECOMMENDED TO 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 MR. THOMAS.

MOTION CARRIED UNANIMOUSLY.

Item 4: 363 Cocoanut Row

OWNER: T-H Court Limited Partnership

LEGAL: LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 6, OF ROYAL PARK ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, AT PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (ORB #6285, P. 1268).

(Let the record show that for this item, Mrs. Metzger was seated, and Mr. Thomas did not vote.)

Dr. Curl: This is commonly known as the Chesterfield Hotel. Anyone who wishes to speak, please stand and be sworn.

Mr. Frank: We have Mr. Maurice Shawzin.

Mrs. Delp swore in Mr. Shawzin using the same verbiage as was earlier stated.

Dr. Curl: I should have asked first for verification of legal service.

Mr. Frank: Yes, sir. We have verification.

Dr. Curl: O.K. Then to request the Staff recommendations.

Mr. Frank: Thank you. We'll ask Mr. Shawzin for his input in a minute. We'll go through the presentation, and we'll also read a letter into the record. The subject property is 363 Cocoanut Row. It is commonly known now as the Chesterfield Hotel. Under the Criteria for Designation, Staff has found that this particular structure meets criterion ...

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

also criterion (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.

We also would like to note at this point that this structure has previously been nominated for the Federal Register of Historic Places, and that nomination was accepted. Mr. Sved, could you continue this presentation, and then we'll listen to Mr. Shawzin.

Mr. Sved: Thank you. The building at 363 Cocoanut Row is a Mediterranean Revival commercial structure intended originally in 1925 to be used as a hotel. The original architect is unknown. However, in 1937, additions and renovations were made by Mr. John Volk, and in 1960, additional additions and renovations were made to this building by the architect, Ray Plockelman. This building was originally designed to be the Lido-Venice Hotel, and as you can see, the Mediterranean Revival structure lends itself to a hotel design by virtue of its symmetry. You can see how the rooms were arranged with the staircases which puncture out the front of the structure in a very interesting manner. This is a very interesting structure in that several of the interior areas are readable on the facade. As you can see in the slide at right, all those windows lend themselves to a very large and single room. At left is a slide that shows the tower, a very common feature of Mediterranean Revival design, and at right is a courtyard which gave way to this building once being known as the Palm Court Hotel. I'd like to mention real quickly that this area in here where the main entrance is at the moment, that wall was added at an undetermined time. It was not part of the original design. As we understand it, the building was originally opened at that point, and you could walk directly into that courtyard from the street. This is a very interesting and very creative use of Mediterranean Revival design as a commercial and hotel structure, and it is very worthy of landmarks consideration. Thank you.

Dr. Curl: At this point, we need to have the Designation Report be made a part of the record.

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

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

Dr. Curl: Mr. Shawzin.

Mr. Shawzin: Yes, thank you. Well, I do have a letter that I wrote to the Landmarks Preservation Commission on behalf of the ownership, T-H Court Limited Partnership. Do you mind if I read it?

Dr. Curl: No, I don't mind.

Mr. Shawzin: It is written to Dr. Donald Curl. Re: 363 Cocoanut Row. "Further to your letter of September 24, 1990, regarding the designation of our property as "Landmark Status", we wish to reply as follows:

- 1) That we are, indeed, most proud to own a structure as uniquely designed, preserved, and, with the character of this property. As such, we have no problem in working with your Commission to preserve the exterior facade, in order that it may always be a property that the Town and residents can be proud of.
- 2) We are not comfortable, however, that the front entrance Courtyard, and the Patio, Pool area in the rear be incorporated into the overall Landmark Designation. These areas (over the years) have become part and parcel of the Hotel use, and, as such, we wish to retain their normal, operational functions.

We appeal to you to accede to this request. Since the Chesterfield Hotel has been acquired by the current ownership, it has strived to, at all times, be compliant.

Do let us know if you would like to meet with our representatives to further discuss the procedures, in order that, all parties priorities are taken care of.

Looking forward to a cooperative association.

Sincerely yours,"

Mrs. Metzger: I don't understand why it says here that the, for instance, the entrance courtyard..why is using that as a normal hotel operation...why does that preclude it being landmarked? I mean are they (indiscernible) exclusive?

Mr. Shawzin: Well, we just believe that there are certain operations that take place there on a daily basis that could be arduous and cause us hardship if it came under the Landmarks Commission. I think that sitting here and listening to the discussions of the Bank and so on that it is my understanding that basically, the interests of your Commission and the Town and all of us, is that structures and facades are in place, and in our opinion, the courtyard and the, certainly the rear of the hotel where we have a swimming pool and public areas, doesn't really warrant being part and parcel of the landmark.

Mrs. Albarran de Mendoza: If I could comment, let's say we do landmark it. That doesn't preclude that you can't change that courtyard design or the pool design. All it means is that you would have to come in front of this Commission to approve any changes. It really doesn't preclude that you can't do any changes to it. It just

means you come in front of us instead of in front of,...well, no, I guess you wouldn't have to go in front of...

Mr. Moore: Well, I think, Mrs. de Mendoza, I believe that that is exactly what his concern is. He has been to visit with the Staff. Mr. Shawzin asked many, many questions on about three visits, and he has an excellent working knowledge of the difference between the Architectural Commission and the Landmarks Commission, and he felt that a facade easement had been granted to the Preservation Foundation; it was on the Historic Register; and that in fact, the exterior was the concern, and should remain the concern, because he is a functional hotel, and perhaps, maybe I shouldn't be saying this, but these are the explanations he gave to me, and maybe perhaps, he should make his own, but because he is a functional hotel, and has hotel functions on a day to day basis, and if awnings needed to be put up, or things rearranged, or flowers, he would not want to have the fear of whether or not, or the constant telephoning...Does this need it? Does that need it? And then be subject to the possible not being able to provide a tent or an awning for a function or at a function that would conflict with his monthly meetings here. We assured him that as far as the Staff was concerned, we would always cooperate in those type of matters, but that, and try to be as flexible as possible, but he has said that he would wish to have the same type of jurisdiction that the Architectural Commission would have. So, in a sense, that is why his letter reflects the exclusion of these two areas.

Mr. Gubelmann: How does Staff feel about that?

Mr. Moore: We have no objection to it at all. It is a functional hotel, and everything they have done, even the prior owners before Mr. Shawzin's group, they have done an excellent job with the patio and courtyard areas, so we have no objection to his voluntary conditional letter.

Mrs. Gingras: The fact that it's on the National Register would preclude him from being able to build any structures?

Mr. Moore: No.

Mrs. Gingras: Doesn't it preclude him from filling that space in?

Mr. Moore: Zoning precludes him from filling that space in. That's the most non-conforming hotel in Town.

All: It is a very attractive one. Charming. Beautiful.

Mr. Shawzin: Thank you very much.

Dr. Curl: One could almost argue that the courtyard is completely unseen from the street.

Mr. Moore: Indeed, it is.

Mr. Silverman: (Indiscernible) used as a swimming pool anyway?

Mr. Shawzin: Well, we've just constructed a new one.

Mr. Silverman: Pardon me.

Mr. Shawzin: We've just constructed and completed a new swimming pool and deck.

Mr. Gubelmann: But it's not visible from the street?

Mr. Shawzin: No sir. Not at all.

Dr. Curl: I think I'm hearing there are few objections to

Mrs. Metzger: You think there are a few or there aren't a few?

Dr. Curl: There are very few or none. Do any of the other Commissioners have anything they would like to add?

Mr. Silverman: If Staff recommends it,

Dr. Curl: I'm ready to hear a motion.

Mr. Gubelmann: Well, basically I would like to MOVE THAT THE PROPERTY KNOWN AS THE CHESTERFIELD HOTEL AT 363 COCOANUT ROW BE RECOMMENDED TO THE TOWN OF PALM BEACH FOR DESIGNATION AS A DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA AS PRESENTED BE MADE A PART OF THE RECORD, AND I WOULD ALSO LIKE TO READ INTO THE RECORD THE EXCLUSION OF THE COURTYARD AND ENTRYWAY AS MENTIONED IN THE LETTER FROM MR. SHAWZIN RECEIVED ON THE 9TH OF NOVEMBER, 1990. MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

All: Thank you, Mr. Shawzin.

Mr. Thomas: We wish that everyone would do such a great job on restoration as you did.

Mr. Shawzin: Thank you very much. I appreciate it.

Item 5: 4 South Lake Trail

OWNER: Alice Z. Pannill

LEGAL: BEGINNING AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE PLAT OF COCOANUT GROVE, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 18, PAGE 24, WITH THE WATERS OF LAKE WORTH AND RUNNING

THENCE EASTWARD ALONG THE NORTH LINE OF SAID WESTERLY
EXTENSION OF THE SAID PLAT OF COCOANUT GROVE 222.1 FEET
TO THE CENTER OF A PRIVATE ROADWAY SHOWN AS PENDLETON
LANE ON SAID PLAT OF COCOANUT GROVE; THENCE RUN WESTERLY
ALONG THE CENTER LINE OF SAID ROADWAY AND FOOTPATH TO THE
WATERS OF LAKE WORTH; THENCE RUN NORTHERLY ALONG THE
WATERS EDGE OF LAKE WORTH TO THE POINT OF BEGINNING.

Dr. Curl: Has verification notice been served?

Mr. Frank: Yes, Mr. Chairman. It has.

Dr. Curl: Will the secretary swear in anyone who is here to witness?

Mr. Delp swore in Attorney Bud Warwick using the same verbiage as was earlier stated.

Dr. Curl: The Staff's recommendation?

Mr. Frank: Thank you. This is 4 South Lake Trail, and I would like to read into the record because in this case, Staff does not recommend the criteria. I'd like to read in on page 4, Historical Information and our Statement of Significance. "This residence was built in 1946 for Mr. and Mrs. Henry Gibson by the Arnold Construction Co. Architect John Volk designed the building. In 1950, the gazebo was added and was designed by architect Kemp Caler. The building was enlarged in 1954 by architect Gustave Maas. The house has not been extensively changed since it was first built, and is in good condition.", the original house that is. Under Statement of Significance, "Though this building is the work of a master architect, it is less than fifty years old." And Staff feels that "Unless a building of less than fifty years is very distinctive, it does not merit designation. This building does not have an extensive historical background and is not a significant example of a particular style. It does not have any outstanding features, and is not in danger of demolition by neglect. Staff recommends that this building not be designated as a landmark in the Town of Palm Beach." Mr. Sved, could you add to that please?

Mr. Sved: Thank you. As Mr. Frank noted, this is a 1926 building by the architect, John Volk. You can see on the left that the front of the house, which actually faces away from the lake, and the slide on the right is the actual lakefront of the house and a very large yard. Again, as Mr. Frank stated, this is not an ugly or bad house, and I think that is something that you intended to say. This is a very nice house, however, it is not an outstanding or notable work of any particular style, nor does it have any significant or particular features that would make it worthy based on those merits. Additionally, I would like to read a clause that Mr. Frank already read, but it appears in the Designation Report in the letter that was received, to the Landmarks Preservation Commission, and it also

appears in the Secretary of the Interior's Standards for Historic Preservation which are the national governing guidelines for historic preservation, and I quote "unless a building of less than fifty years old is very distinctive it does not merit designation". Since this building is not fifty years old, I do not believe that this building is worthy based on any of the criteria. Thank you.

Mrs. Volk: I'd like to say something. It's not the building, in particular, but that whole street of Pendleton Avenue is quite unique and distinct and almost intact from its early inception, which was 1936. I didn't realize that building wasn't put up until '41, but the rest of the street was designed, most of it, several houses, but most of it was designed by my husband and built by Arnold Construction Company, and it is a unique and special little area, and if that is going to be torn apart, it's going to change the whole quality of that area right across from Bethesda Church. So, I think that it is as an area significant. It may not be as an individual house, but for the street itself, and since we haven't gone deeply into districts, I think that it's a time when we should begin to consider streets that are old and barely touched, and try to restrain too much change because we are losing them right and left, and whereas this house is not fifty years old, the rest of the street pretty nearly is.

Dr. Curl: Before we go on, we need the Designation Report approval.

MOTION BY MRS. VOLK THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

Dr. Curl: At this point, I would like to call any other expert witnesses to testify.

Mr. Warwick: I'm not an expert witness. I'm just a lawyer representing a client. Mrs. Pannill does agree with the recommendation of Staff that this house not be designated a landmark. Several years ago when she purchased it, it was not near in the condition that it is today. They love this house. They spent a tremendous amount of money to bring it up to the standard it is today, and I'm sure they'll keep it that way in the future. I just didn't feel...I know Mr. Volk is a very respected architect and he designed the house, but two architects since then have made additions to the house. I wouldn't know which Mr. Volk did, and which Mr. Maas did, and which Mr. Taylor did on this residence.

Mr. Randolph: I don't know what the motion is going to be in regard to this, but from the testimony that's been taken, it appears to me that the primary reason that the staff is not recommending it for designation is that it is not more than fifty years old. So, I would

like that to be emphasized, so in the event that this is ever brought up for designation in the future, when the building does achieve fifty years, that res judicata would not apply because that would be a material change of circumstances, subsequent to fifty years having elapsed.

Mr. Thomas: I think Mrs. Volk brought up a very good point on the district, and I think you are absolutely right about that. That is a beautiful area down there. I've spent a lot of time in that house because Mr. Gibson was a great friend of mine. I knew him since I was a child, and I would hate to see that part of Town disintegrate in any way.

Mr. Randolph: This is, of course, an individual designation.

Mr. Thomas: Oh, I realize that. I just wanted to say that I agreed with her.

Mr. Gubelmann: Can we ask the representative of Mrs. Pannill to please exempt this from res judicata in case, at a later date, the property does come up for designation.

Mr. Warwick: Well, I probably won't be around in 1996, but I'm sure that will be alright.

Mrs. Volk: Play it safe, Bud.

Mr. Thomas: Mr. Gibson was 102 when he finally died.

Mr. Silverman: Are there any other houses designated on this particular street?

Mrs. Volk: No.

Mr. Frank: Not on the Lake Trail.

Mr. Gubelmann: We might, at some later date, come up with a district, and we wouldn't want res judicata to apply.

Dr. Curl: This is the house with the little [pavilion] that has hanging, which shows a mural of Whitehall point, whatever it was before Whitehall was there. It's marvelous. I think it should be designated, but I'm not (indiscernible). It's a wonderful house. I guess what we need to do is either move designation or move that we accept Staff's recommendation.

MOTION BY MRS. GINGRAS THAT WE ACCEPT STAFF'S RECOMMENDATION TO NOT DESIGNATE, WITH THE SPECIFIC PROVISIO THAT IT DOES NOT PRECLUDE US FROM BRINGING IT BACK WHEN THE HOUSE DOES REACH THE AGE OF FIFTY YEARS OLD...

Mr. Gubelmann: Or when it becomes a part of a historic district.

OR PART OF A HISTORIC DISTRICT.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

VI. Other Business

A. Discussion concerning landmark plaques

This matter is being discussed because there was a general feeling among the Commission members that the current Landmark plaques were too small and too expensive. Brochures regarding prospective choices for new plaques were distributed to the Commission. Special attention was paid to the oval, one-color brass plaque. It was felt that this plaque would coordinate well with any landmark home in the Town. The attached price list indicated that these plaques could be obtained at a cost which is approximately one-half the previous cost of the plaques. The Commission felt that the Town should absorb the cost of the plaques, and then give same to property owners when their designation is ratified by the Town Council.

Mr. Moore stated that the Commission must provide definite direction regarding these plaques before involving the Town's financial commitment.

A committee was established, consisting of Mrs. Gingras, Mrs. Volk, and Mrs. Albarran de Mendoza, to come to a decision regarding the plaques. Mr. Randolph cautioned the committee members that when they meet, they must abide by the "Sunshine Law". Mr. Moore pledged his assistant as the Commission's advocate to the Town Council regarding this matter.

B. Discussion concerning restoration of Memorial Fountain; Status Report

Mr. Frank reported that some problems have been discovered regarding the fountain. The existing fixtures on the property are deteriorating and falling apart. One of the line items in the grant from the State is to restore those deteriorated and broken components. Included in those are a series of pumps and systems to keep the water flowing, and so forth. This system has undergone some preliminary investigation. The testing has shown that only certain valves and minor work will need to be replaced and/or done. The grant is for \$7,000, and has been secured. Landscaping, of course, will also be undertaken in the final stages of the

restoration. Mr. Frank noted that decisions will have to be made on the Town Council level regarding how the reflecting pool will function after the renovation, i.e., as it exists, a chlorinated pool, or as it was originally, a natural pool containing natural wildlife.

C. Report on new grant application - Preservation Plan for 91/92 Fiscal Year

Mr. Frank reported that we have submitted a new grant application to the State. We have asked for monies for a Preservation Plan to be developed. A Preservation Plan would be a document which outlines, for example, what archaeological resources are within the Town, what areas in the Town which would be suitable for Historic Districts, so these areas could be pin-pointed. Having a written plan available and ready for access will eliminate the possibility of the Commission being viewed as "arbitrary and capricious" in selecting historic districts.

D. Letter from Mr. Mashek, Preservation Foundation

Mr. Mashek addressed a letter to Mr. Frank regarding the BP sign at the corner of Australian Avenue and South County Road. In his opinion, the sign is too obtrusive, and he suggested that perhaps it could be landscaped to minimize its effect in the Town Hall Square Historic District. Mr. Frank stated that the sign, as it exists, is smaller and lower than the previous sign, which had been permitted by variance. Additionally, they are making an effort to landscape the property.

Mr. Moore commented that the Town is considering examining and discussing with our Planning Consultants, Adley & Associates, and the Town Attorney, the possible amortization of non-conforming free-standing signs in the zoning aspect of the Town's regulatory authority. This will perhaps be an item on the next zoning season's calendar. This, then, may address some of the concerns of the Preservation Foundation.

Some of the Commissioners felt that since there are so few gasoline stations in the Town, the station really needs no signage to identify their place of business, as competition is not an element here.

E. Regarding Mr. Sullivan, Former Chairman

Mr. Gubelmann mentioned that since the Town Council voted to remove Mr. Sullivan from the Landmarks Preservation Commission at its last convened meeting, the Commission and/or Staff should send him a letter of appreciation for his

years of excellent service to the Landmarks Preservation Commission and his dedication to the efforts of landmarking within the Town. The Commission was unanimous in this effort, and Dr. Curl will draft same letter.

VII. Adjournment

MOTION TO ADJOURN THE MEETING AT 11:45 A.M. BY MR. SILVERMAN.

MEETING CARRIED UNANIMOUSLY, WITHOUT A SECOND.

The next meeting of the Landmarks Preservation Commission will be held on Friday, December 21, 1990 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,



Donald W. Curl
Vice Chairman and Acting Chairman

cmd

BRIEF SUMMARY ACCOUNT OF DESIGNATION HEARING REGARDING THE FIRST
NATIONAL BANK IN PALM BEACH, 255 SOUTH COUNTY ROAD

Mr. Frank verified that proper legal notice has been received by the property owner. Mr. Frank, Mr. Sved, Mr. Thomas Walker, Bank President, and Ms. Betsy Burden, attorney representing the Bank, were sworn. Mrs. Jane Volk declared her conflict with respect to this matter and excused herself from the platform, allowing Mr. Thomas to vote.

During Mr. Frank's testimony, he stated that this property meets the following designation criteria:

- (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."

After Mr. Sved's remarks and slide presentation, there was a MOTION BY MR. GUBELMANN TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD. THE MOTION WAS SECONDED BY MRS. GINGRAS, AND CARRIED UNANIMOUSLY.

Ms. Burden stated that this hearing had been deferred from the previous designation season, and in the interim, an agreement had been reached with Staff for a partial voluntary designation of the 1927 front facade, with the actual legal description of the portion to be designated to be determined by mutual agreement of Staff and counsel. Mr. Gubelmann questioned whether a partial designation would prevent the Commission from designating the rest of the building later. Mr. Randolph stated that "administrative res judicata" would probably then apply, and could obstruct the Commission. During the discussion that followed, major points of discussion were as follows:

1. The property owner requests a partial designation of the 1927 front facade.
2. The property owner realizes that a partial designation would result in the LPC having jurisdiction over the landmarked portion, and ARCOM having jurisdiction over the remainder.
3. Staff recommended acceptance of the partial designation, as long as the owner is willing to abide by the mixed LPC/ARCOM jurisdictions.
4. The LPC requested that if only a partial designation is made, the LPC would retain jurisdiction over the remainder of the property.
5. Alternatively, the LPC contemplated a full designation of the entire property.
6. Mr. Randolph and Staff inquired of the owner if they would consider a deferral of this matter, giving the Bank additional time to re-evaluate their position on this matter.

MOTION BY MR. GUBELMANN THAT LANDMARKING CONSIDERATION OF 255 SOUTH COUNTY ROAD BE DEFERRED TO THE DECEMBER 21, 1990 MEETING, WITH THE PROVISIO THAT THE OWNER RECOGNIZES THEY ARE WAIVING THEIR RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS. MOTION SECONDED BY MRS. GINGRAS. MOTION CARRIED UNANIMOUSLY.

300 EL BRILLO WAY

Criteria for Designation

Section 16-38 (a) of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

300 El Brillo Way is a first rate representation of the Monterey style of architecture which was popular in Palm Beach in the 1930's. The Monterey style is a revival of the Anglo-influenced Spanish Colonial houses of northern California. In later examples such as 300 El Brillo Way, English Colonial details were favored over the Spanish detailing that was popular earlier.

The simplified Romanesque entry incorporating brick banding and leaded glass fanlight is a trademark of the architect, Maurice Fatio, as is the brick string course placed at the sill level of the second story windows.

Details such as the shaped ends of the beams supporting the simple wood balconies, railings and supports are typical of the Monterey style, as are the shuttered windows, which on the second floor, extend full length to open onto the balcony.

Monterey houses incorporate "ranked" facades, with facade setbacks and multi-level rooflines. At 300 El Brillo Way, this is taken to an extreme, with no fewer than eleven different roof heights incorporating two separate two story sections.

(d) "Is representative of notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age."

PLEASE SEE THE MAURICE FATIO BIOGRAPHY, AS ATTACHED.

241 SEAVIEW AVENUE

its design, the rarity of the style here in Palm Beach, and the tremendous educational role of Palm Beach Private School has served in Palm Beach. This building is worthy of the protection and special consideration it would be afforded if designated a Town Landmark.

Criteria for Designation

Section 16-38 (a) of the town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The Palm Beach Private School is the finest example of the Art Moderne style found in Palm Beach. The building employs a fantastic entrance decorated with fluting, "modern" lettering, angular eagle sculptures and decorative wrought iron gates. The metal panels used between the windows have equally beautiful, clean designs etched into them.

Unlike many "Moderne" buildings, the Palm Beach Private School is quite symmetrical. The windows serve the dual purpose of admitting light and air as well as creating an effective solid-void, giant column composition.

(d) "Is representative of notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age."

PLEASE SEE MARION SIMS WYETH BIOGRAPHY, AS ATTACHED.

V. STATEMENT OF SIGNIFICANCE

363 Cocoanut Row, the Chesterfield Hotel, is an important example of a Mediterranean Revival styled hotel structure. The hotel played an important role in the social scene in Palm Beach, serving as a vacation and seasonal residence for many of Palm Beach's socially elite. The restaurant and lounge of the Chesterfield Hotel continue to be popular night spots on the island.

VI. CRITERIA FOR DESIGNATION

Section 16-38A of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

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

363 Cocoanut Row, the Chesterfield Hotel, has been an important part of the cultural, economic and social history of Palm Beach as a facet of Palm Beach society. From the 1920's on, the hotel became an increasingly popular destination for travellers looking for a small European style hotel linked to the local social scene. "Throughout the 1930's and 1940's, the hotel became a favorite of the "snowbirds" who flocked to Palm Beach for the sun and the chance to mingle with society superstars." ("Former Bag Lady Takes On a New Look," The Miami Herald. 25 May 1986.) Palm Beachers were drawn to the hotel by its elegance and intimate grace. Important social events were often held in the hotel's restaurant.

(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."

The Chesterfield Hotel is an important example of a commercial structure designed in the Mediterranean Revival style in the 1920's. Reports claim the hotel was designed by Addison Mizner, but these claims have no foundation, and the structure is not included in scholarly listings of the architect's work. However, the Chesterfield Hotel is a reflection of the stylistic preference toward the Mediterranean Revival style in Palm Beach's commercial, civic, and domestic design in the early twentieth century.

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

LAST NAME—FIRST NAME—MIDDLE NAME Metzger Anne G		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARK PRESERVATION COMMISSION	
MAILING ADDRESS 277 Esplanade Way		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY Palm Beach	COUNTY FL	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED Nov. 16 1990		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

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

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

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

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

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

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

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

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Anne G. Metzger, hereby disclose that on November 16, 19 90:

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

___ inured to my special private gain; or

___ inured to the special gain of _____, by whom I am retained.

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

I serve on the Board of Palm Beach Day School at
241 Seawen Avenue.

Nov 16, 1990
Date Filed

Anne G. Metzger
Signature

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

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

LAST NAME—FIRST NAME—MIDDLE NAME YOLK LILLIAN JANE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION of TOWN of P.B.	
MAILING ADDRESS 206 PHIPPS PLAZA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH, FL.	COUNTY 33480	NAME OF POLITICAL SUBDIVISION: PALM BEACH	
DATE ON WHICH VOTE OCCURRED NOV. 16, 1990		MY POSITION IS: COMMISSIONER ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

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

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

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

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

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

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, LILLIAN JANE VOLK, hereby disclose that on NOV. 16, 19 90:

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

☐ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

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

I am a member of the Women's Board
of the First National Bank of Palm Beach, Florida
a ^{division} branch of Southeast Bank,

NOV. 16, 1990
Date Filed

Lillian Jane Volk
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.

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION MEETING

FRIDAY, NOVEMBER 16, 1990

TOWN COUNCIL CHAMBERS
360 SOUTH COUNTY ROAD
PALM BEACH, FLORIDA

Bob
Moore

RE: DESIGNATION HEARINGS -
ITEM 1, 255 SOUTH COUNTY ROAD

COMMISSIONERS:

DONALD W. CURL, PH.D., VICE CHAIRMAN AND
ACTING CHAIRMAN
JACQUELINE ALBARRAN DE MENDOZA
SALLY GINGRAS
WILLIAM S. GUBELMANN
ANNE G. METZGER
ARTHUR SILVERMAN
WILMER J. THOMAS, JR.
JANE VOLK

STAFF:

TIM FRANK
ROBERT MOORE
JIM SVED

CERTIFIED
COPY

SPEAKERS:

BETSY BURDEN, ESQ.
THOMAS WALKER

ALSO PRESENT:

CYNTHIA M. DELP, RECORDING SECRETARY

LEY AND MARSAA COURT REPORTERS, INC.
1551 FORUM PLACE, SUITE 500-B
WEST PALM BEACH, FLORIDA 33401

P R O C E E D I N G S

- - -

CHAIRMAN CURL: AT THIS POINT WE MOVE INTO THE DESIGNATION HEARINGS. AND HAVING NEVER DONE THIS BEFORE, I AT LEAST SAT THROUGH A GREAT MANY OF THEM. I'M HOPING THAT WE WILL BE ABLE TO DO THIS THE WAY IT'S SUPPOSED TO BE DONE AND I'M SURE I'M GOING TO BE TOLD WHETHER I'VE DONE THAT. BUT I HAVE BEFORE ME JIM SULLIVAN'S PROCEDURE, WHICH SEEMS TO BE SOMETHING THAT WORKED LAST YEAR, AND I'M BEGINNING WITH ITEM NUMBER ONE ON OUR AGENDA, 255 SOUTH COUNTY ROAD, FIRST NATIONAL BANK IN PALM BEACH. THE LEGAL DESCRIPTION IS PARCEL EAST PLAZA LOT 1, LOTS 8 TO 12, INCLUDING AND PLATTED BY THE PRIVATE ROADS AND ALLEYS.

THE FIRST ITEM, AS I SEE IT, IS TO VERIFY THAT NOTICE OF LEGAL SERVICE HAS BEEN RECEIVED.

MR. FRANK: I'LL VERIFY THAT IT HAS BEEN RECEIVED.

CHAIRMAN CURL: OUR SECOND ITEM IS TO ASK THE SECRETARY TO SWEAR IN ALL WITNESSES.

MS. BURDEN: EVEN ATTORNEYS?

CHAIRMAN CURL: THAT'S UP TO YOU. YOU DON'T HAVE TO.

LEY AND MARSAA COURT REPORTERS, INC.
1551 FORUM PLACE, SUITE 500-B
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MS. BURDEN: OKAY.

THEREUPON,

BETSY BURDEN AND JIM SVED,
AFTER HAVING BEEN FIRST DULY SWORN TO TELL THE
WHOLE TRUTH AS HEREINAFTER CERTIFIED, TESTIFIED AS
FOLLOWS:

CHAIRMAN CURL: STAFF'S REQUEST, STAFF'S
RECOMMENDATION?

MR. FRANK: THANK YOU. FIRST OF ALL, I
BELIEVE MRS. VOLK, ARE YOU GOING TO DECLARE A
CONFLICT OF INTEREST WITH THIS?

MRS. VOLK: YES.

MR. FRANK: AND I THINK IN THIS PARTICULAR
CASE IT WOULD BE, YOU KNOW, BEST NOT TO BE
PRESENT. AND THEREFORE, WE CAN SEAT MR. THOMAS
AND HANDLE THIS AS A STRAIGHT PUBLIC HEARING
WITH A FULL, YOU KNOW, WITH A FULL MEMBERSHIP
AND THEN WE WILL DO THE SAME THING WITH THE
SCHOOLHOUSE LATER, IF THAT'S ACCEPTABLE.

CHAIRMAN CURL: THAT DOESN'T MEAN THAT SHE
PHYSICALLY HAS TO LEAVE, DOES IT?

MR. FRANK: I THINK THAT WOULD BE BETTER.
WE HAVE SO RULED IN THE ARCHITECTURAL COMMISSION

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WHEN WE'VE HAD CONFLICTS WITH ARCHITECTS AND SO FORTH.

FOR THE AUDIENCE, MRS. VOLK IS A BOARD MEMBER. COULD YOU EXPLAIN?

MRS. VOLK: I'M A MEMBER OF THE WOMAN'S BOARD OF THE FIRST NATIONAL BANK, DIVISION OF SOUTHEAST, AND AS SUCH I HAVE A CONFLICT OF INTEREST.

MR. FRANK: THANK YOU, MRS. VOLK. AND SO THEREFORE, MR. WILMER THOMAS, WHO IS AN ALTERNATE MEMBER, WILL BE THE SEVENTH AND VOTING MEMBER OF THE LANDMARKS COMMISSION FOR THIS ITEM.

OKAY. WE WILL MOVE RIGHT INTO THE DESIGNATION REPORT. THIS IS 255 SOUTH COUNTY ROAD. AND TO KIND OF SET THE FRAMEWORK FOR THE REST OF THE PUBLIC HEARINGS THAT WILL BE HELD, I WILL READ INTO THE RECORD THE CRITERIA WHICH THE STRUCTURE MEETS OR DOESN'T MEET AND THEN WE WILL HAVE A STAFF PRESENTATION BY MR. JIM SVED AND THAT WILL BE FOLLOWED BY ANY REQUEST FOR COMMENTARY BY OTHERS.

THE REPORT IS IN FRONT OF THE MEMBERS. I'LL MENTION AGAIN IT'S 255 SOUTH COUNTY ROAD. THE ARCHITECTS WERE TREANOR AND FATIO, WYETH AND

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KING AND JOHN VOLK. PRESENT OWNER IS THE FIRST NATIONAL BANK IN PALM BEACH AND IT'S USED AS COMMERCIAL BY THE FIRST NATIONAL BANK.

STAFF BELIEVES THAT THE BUILDING MEETS THE CRITERIA FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND WE BELIEVE THAT IT MEETS THE FOLLOWING CRITERIA: A, IT EXEMPLIFIES AND REFLECTS THE BROAD CULTURAL, POLITICAL, ECONOMIC OR SOCIAL HISTORY OF THE NATION, STATE, COUNTY OR TOWN. WE ALSO BELIEVE THAT IT MEETS CRITERION C; THAT IT EMBODIES DISTINGUISHING CHARACTERISTICS OF AN ARCHITECTURAL TYPE OR AS A SPECIMEN INHERENTLY VALUABLE FOR THE STUDY OF A PERIOD STYLE, METHOD OF CONSTRUCTION OR USE OF INDIGENOUS MATERIALS OR CRAFTSMANSHIP. AND WE FEEL THAT IT ALSO MEETS CRITERION D; THAT IT IS REPRESENTATIVE OF THE NOBLE WORK OF A MASTER BUILDER, DESIGNER OR ARCHITECTS WHOSE INDIVIDUAL ABILITY HAS BEEN RECOGNIZED OR WHO WOULD HAVE INFLUENCED HIS AGE.

WE HAVE ALSO ATTACHED BIOGRAPHIES FOR MAURICE FATIO, WYETH AND JOHN VOLK. I'D LIKE TO MENTION THAT THERE IS CORRESPONDENCE WHICH SHOULD BE IN YOUR PACKETS THAT HAS BEEN RECEIVED FROM GUNSTER, YOAKLEY AS REPRESENTATIVES OF THE

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1 NATIONAL BANK AND WE'LL ASK BETSY BURDEN LATER
2 ON TO GIVE A PRESENTATION OF THAT.

3 I WILL MENTION AT THIS POINT THAT THE
4 ENTIRE PROPERTY HAS BEEN OUTLINED IN YOUR
5 INFORMATION PACKET AND DESIGNATION REPORTS, SO
6 WE ARE LOOKING AT EVALUATING THE ENTIRE
7 PROPERTY. HOWEVER, IT'S MY UNDERSTANDING THAT
8 THERE WILL BE A PROPOSAL FOR A PARTIAL
9 DESIGNATION WHICH IS NOT PART OF THE
10 DESCRIPTION. WE'LL PROBABLY ASK AT THAT TIME
11 THAT IF THAT CONCEPT IS APPROVED OR IF IT'S
12 ENTERTAINED, WE'LL ASK THE ATTORNEYS FOR THAT
13 TYPE OF DESIGNATION.

14 I'VE ASKED MR. SVED IN HIS PRESENTATION TO
15 GO OVER ALL OF THE ITEMS. HOWEVER, I THINK HE
16 WILL CLARIFY SOME OF THE ITEMS THAT ARE BEING
17 PROPOSED BY THE BANK AS OPPOSED TO THE OTHER
18 BUILDINGS WHICH HAVE LESS FEATURES.

19 MR. SVED?

20 MR. SVED: THANK YOU. GOOD MORNING.
21 BEFORE I START OUT WITH MY PRESENTATION, I'D
22 LIKE TO BRING TO YOUR ATTENTION THAT IN FRONT OF
23 YOU YOU HAVE A COPY OF AN ARTICLE BY JOHN VOLK.
24 IT WAS BROUGHT TO OUR ATTENTION ONLY A COUPLE OF
25 WEEKS AGO BY MRS. VOLK IN HER ENSUING RESEARCH

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FOR A PRESENTATION ON HER HUSBAND'S DRAWINGS FOR
THE BANK, AND HER WORK IS INCLUDED ON THE SECOND
OR THIRD PAGES OF THAT HANDOUT FOR YOUR
INFORMATION.

MRS. VOLK DISCOVERED, I BELIEVE IT WAS IN
HER HUSBAND'S PAPERS, AN ARTICLE IN WHICH
SEVERAL PORTIONS OF THE BANK THAT WERE DESIGNED
BY MR. VOLK, AND THEY ARE DESCRIBED IN YOUR
DESIGNATION REPORTS ON PAGE FOUR. AND THE
DESIGNATION REPORT SAYS THERE, AND I QUOTE,
NEOCLASSICAL IN STYLE, END QUOTE. IN LIGHT OF
MRS. VOLK'S NEW RESEARCH AND THE STUFF SHE JUST
BROUGHT FORWARD TO US ONLY A FEW, TWO OR THREE
WEEKS AGO, I'D LIKE TO QUOTE FROM THE ARTICLE IN
FRONT OF -- ON THE FIRST PAGE OF THE ARTICLE,
WHICH IS POINTED TO WITH THE ARROW, WHERE MR.
VOLK CALLS THE EXACT SAME STRUCTURES, AND I
QUOTE, ITALIAN IN CHARACTER, END QUOTE. IN
LIGHT OF MRS. VOLK'S RESEARCH, WE WOULD LIKE A
VERBIAGE CHANGE FROM NEOLASSICAL TO ITALIAN IN
CHARACTER AS DESCRIBED IN THIS ARTICLE.

FIRST NATIONAL BANK FIRST CAME INTO PALM
BEACH IN THE BUILDING ON THE LEFT, ON THE LEFT
SLIDE, IN 1927. THE BUILDING WAS DESIGNED BY
THE ARCHITECTURAL FIRM OF TREANOR AND FATIO AND

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IT IS MANORIST IN DESIGN. NOTABLE FEATURES OF THE MANORIST STYLE OF ARCHITECT WHICH YOU SEE HERE ARE THE CORNERS, THE ELABORATED AND BROKEN PEDIMENTED ENTRY WITH A LARGE STONE BLOCK AT CENTER, AND OF COURSE THIS FALLS INTO THE BLANKET TERM OF MEDITERRANEAN REVIVAL.

THIS BUILDING THAT YOU SEE ON THE SLIDE TO MY LEFT IS NOT THE FIRST BUILDING ON THE SITE. THE FIRST BUILDING ON THE SITE IN THE SAME LEFT SLIDE, THE FAR RIGHT BUILDING, THREE-STORY BUILDING, AND ALSO IN THE MEDITERRANEAN REVIVAL STYLE, WAS DESIGNED TWO YEARS EARLIER, 1925, TO BE THE OFFICES OF THE WYETH AND KING ARCHITECTURAL FIRM.

THE SLIDE ON THE RIGHT IS THE BANK AS HOW MOST PEOPLE SEE IT WHEN THEY FIRST COME INTO PALM BEACH, AND THEN IS A 1971 ADDITION BY JOHN VOLK. AGAIN ON YOUR LEFT IS THE ARCHITECTURAL OFFICES, 1925, FOR WYETH AND KING. AND ON THE RIGHT AT CENTER YOU SEE A COUPLE OF BLCOKS THAT WERE DESIGNED IN 1928 BY TREANOR AND FATIO AS WELL. AGAIN, HERE YOU SEE SOME MORE OF THE TREANOR AND FATIO DESIGNS FOR THE BLOCK. THE BUILDING AT THE CORNER, AT LEFT, YOU MAY RECALL, USED TO BE THE EMBASSY TRAVEL AGENCY.

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1 IN THE SLIDE ON THE RIGHT, THE BUILDING TO
2 THE LEFT ON THE SLIDE TO THE RIGHT, IN THE
3 CENTER WERE ADDITIONS BY MR. VOLK, AND THESE
4 ADDITIONS ARE THE ONES WE SPOKE ABOUT WITH THE
5 VERBIAGE CHANGE TO ITALIAN IN CHARACTER. AND
6 YOU CAN SEE HOW MR. VOLK TIED HIS COMPOSTION
7 TOGETHER WITH TREANOR AND FATIO'S MANORIST
8 DETAILS ON THE RIGHT OF THAT SAME SLIDE.

9 HERE ARE TWO GOOD EXAMPLES OF MR. VOLK'S
10 DESIGN FOR THE BANK AREA. ONE OF THEM IS 1955
11 AND ANOTHER ONE IS 1937. HOWEVER, IT CARRIES
12 THE SAME THEME ACROSS BOTH OF THEM. WHAT THIS
13 DOES IS IT TIES THE ENTIRE COMPOSITION TOGETHER
14 AND MAKES ONE CONTIGUOUS BLOCK OUT OF A NUMBER
15 OF VARIOUS SIZE AND SHAPE BUILDINGS.
16 NEVERTHELESS, IT IS THIS MAIN ORIGINAL 1927
17 TREANOR AND FATIO SECTION THAT IS THE SUBJECT OF
18 DISCUSSION TODAY, AND I BELIEVE THAT THIS
19 BUILDING IS HIGHLY WORTHY OF LANDMARK
20 CONSIDERATION BASED ON ITS DESIGN, BASED ON ITS
21 HISTORY, AND BASED ON ITS ARCHITECTS, TREANOR
22 AND FATIO. THANK YOU.

23 CHAIRMAN CURL: AT THIS POINT IT'S
24 NECESSARY THAT THERE BE SOMEONE ON THE
25 COMMISSION --

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1 MR. GUBELMANN: I'LL BE HAPPY TO MOVE THAT
2 THE DESIGNATION REPORT BE MADE A PART OF THE
3 RECORD.

4 MS. GINGRAS: SECOND.

5 CHAIRMAN CURL: ALL THOSE IN FAVOR SAY
6 AYE.

7 (ALL SAY AYE)

8 CHAIRMAN CURL: OPPOSED?

9 AT THIS POINT I'D LIKE TO CALL FOR ANY
10 OTHER WITNESSES TO TESTIFY.

11 MS. BURDEN: GOOD MORNING. MY NAME IS
12 BETSY BURDEN, I'M AN ATTORNEY WITH GUNSTER,
13 YOAKLEY & STEWART. WE REPRESENT FIRST NATIONAL
14 IN PALM BEACH. ALSO WITH ME TODAY IS MR. TOM
15 WALKER, WHO IS PRESIDENT OF FIRST NATIONAL IN
16 PALM BEACH. ON BEHALF OF THE BANK AND MR.
17 WALKER, I WOULD LIKE TO EXTEND APPRECIATION TO
18 THE COMMISSION FOR ALLOWING US AN OPPORTUNITY TO
19 CONTINUE TO DISCUSS THIS MATTER WITH STAFF.

20 AS YOU KNOW, THIS WAS DEFERRED FROM LAST
21 SEASON AND WE HAVE HAD AN OPPORTUNITY TO DISCUSS
22 THIS. WE HAD AN AGREEMENT THAT SOME PORTION OF
23 THE FACADE WE'D LIKE TO SEE DESIGNATED, AND I'M
24 VERY PLEASED THAT WE HAVE REACHED AN AGREEMENT
25 WITH THE STAFF. WE BELIEVE THEY SUPPORT THIS,

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1 THAT THE FRONT FACADE THAT WAS INDICATED, THE
2 1927 FACADE, WE WOULD LIKE TO SEE VOLUNTARILY
3 DESIGNATED TO THE COMMISSION. WE FEEL THAT THIS
4 IS THE PORTION THAT WOULD MERIT THE LANDMARKING
5 STATUS OF THE TOWN. THIS IS THE PORTION THAT
6 I'VE INDICATED IN THE LETTER TO THE TOWN. WE
7 SUBMITTED AN ATTACHMENT AT THE FRONT OF THE
8 DESIGNATION REPORT THAT INDICATES THE PORTION
9 BETWEEN THE COINS OR THE BRASS PLATES. THIS IS
10 ALSO THE PORTION THAT'S ON THE FRONT OF THE
11 BANK'S ANNUAL REPORT AND AS IT SAYS, WE HAVE
12 BEEN AROUND A LONG TIME. THAT'S TRUE, WE HAVE,
13 THIS FRONT FACADE HAS. SO WE THOUGHT THAT WAS
14 THE NICE TOUCH. THIS IS THE PART THAT WE THINK
15 PEOPLE THINK OF WHEN THEY THINK OF OLD FIRST
16 NATIONAL, AND THAT'S THE PART WE'D LIKE TO
17 VOLUNTARILY DESIGNATE.

18 I'D LIKE TO NOTE JUST FOR THE RECORD WE
19 HAVE DISCUSSED WITH STAFF A POSSIBLE RES
20 JUDICATA ISSUE HERE, BUT WE DO HOPE THAT WILL BE
21 MOOT IF THE COMMISSION CHOSSES TO ACCEPT OUR
22 DESIGNATION. THIS IS THE PART THAT WE THINK
23 MERITS THE LANDMARKING STATUS. WE DO NOT WISH
24 THE ENTIRE PROPERTY TO BE LANDMARKED. WE DO NOT
25 FEEL THE REST OF THE PROPERTY MEETS THE CRITERIA

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1 LIKE THE FACADE DOES AND WE WOULD VERY MUCH LIKE
2 TO COOPERATE WITH THE TOWN. I THINK THE BANK
3 WOULD VERY MUCH LIKE TO SEE THIS PART DESIGNATED
4 AND WE'D LIKE TO CONTINUE TO WORK WITH THE TOWN
5 WITH ANYTHING REGARDING THIS FACADE. WE HOPE
6 THE COMMISSION WILL CHOSE TO ACCEPT THE
7 VOLUNTARY DESIGNATION. THANK YOU.

8 MR. SVED: MR. CHAIRMAN AND BETSY, IF I
9 MIGHT ASK A QUESTION. BOTH WHAT YOU DESCRIBED
10 AND THE DRAWING THAT WAS SUBMITTED TO US
11 ACTUALLY INDICATED AN AREA OF THE FACADE WHICH
12 DID NOT INCLUDE THE COINS, AND I BELIEVE THAT
13 THE COINS WERE PART OF THE FACADE. IS IT YOUR
14 INTENTION TO LEAVE THE COINS IN OR THE COINS OUT
15 OF THE AREA SUGGESTED FOR DESIGNATION? BECAUSE
16 WE BELIEVE IN OUR DISCUSSIONS THAT THE WHOLE
17 PORTION OF THIS BUILDING, INCLUDING THE COINS,
18 WAS THE SUBJECT.

19 MS. BURDEN: WE WOULD LIKE TO REACH THE
20 COMMISSION'S AGREEMENT THAT THIS PORTION WOULD
21 BE DESIGNATED, BUT WE DON'T HAVE ANY PARTICULAR
22 PROBLEM WITH THE BOUNDARIES, AS FAR AS EITHER
23 SIDE OF THE COINS.

24 WHAT WE'D LIKE TO DO, THOUGH, IS TO HAVE
25 AN OPPORTUNITY TO TALK WITH STAFF ABOUT HOW THE

LEGAL DESCRIPTION SHOULD BE ADDRESSED BECAUSE
YOU DO HAVE THE ENTIRE LEGAL DESCRIPTION ON THE
PROPOSAL AND WE'D LIKE THE COMMISSION'S
RECOMMENDATION THAT IT JUST BE LIMITED TO THIS
FACADE AND ALLOW US AN OPPORTUNITY TO PROBABLY
GET A VERY PROPER AND ACCURATE LEGAL DESCRIPTION
OF THIS FACADE. AND WE PROBABLY OUGHT TO ASK
THAT YOU DEFER TO STAFF TO LET US DO THAT AT A
LATER TIME.

CHAIRMAN CURL: ARE THERE ANY QUESTIONS?

MR. GUBELMANN: I HAVE ONE QUESTION FOR
STAFF AND THAT IS, IF WE GO ALONG WITH THE
RECOMMENDATION TO LIMIT THE DESIGNATION TO THE
ORIGINAL PART OF THE BUILDING BETWEEN THE COINS,
CAN WE -- DOES THAT ALLOW US OR IS THAT TO KEEP
US FROM AT A LATER DATE WANTING TO LANDMARK
CERTAIN OTHER PARTS OF IT, OR DO WE DISMISS
THOSE PARTS?

MR. RANDOLPH: I THINK THERE WOULD BE AN
ARGUMENT MADE AT A LATER TIME THAT IF YOU ONCE
CONSIDERED THIS ENTIRE BUILDING AND WENT THROUGH
THE QUASI-JUDICIAL PROCESS WITH THE SAME PARTIES
THAT ARE HERE TODAY AND ATTEMPTED TO DESIGNATE
IT AT A FUTURE DATE, THAT THAT WOULD BE
ADMINISTRATIVE RES JUDICATA, SIMILAR TO A LEGAL

1 CASE BEING RES JUDICATA ONCE IT HAS BEEN
2 DECIDED. SO I THINK THAT YOU WOULD BE FACING
3 THAT ARGUMENT IN THE FUTURE IF YOU ATTEMPTED TO
4 DESIGNATE THE WHOLE BUILDING AT A LATER TIME,
5 UNLESS THERE WERE A SUBSTANTIAL CHANGE OF
6 CIRCUMSTANCES.

7 MR. GUBELMANN: I WOULD LIKE TO MAKE A
8 SUGGESTION. AND AGAIN, I WOULD LET YOU ALL TELL
9 ME WHETHER THIS IS APPROPRIATE OR NOT, THAT WE
10 WOULD BE HAPPY OR I WOULD BE HAPPY TO GO ALONG
11 WITH THEIR VOLUNTARY DESIGNATION OF THE FACADE
12 IF WE WOULD NOT PROHIBIT OURSELVES FROM COMING
13 BACK AT A LATER DATE IF WE DECIDED THAT WE
14 WANTED TO CONSIDER THE REST OF THE BUILDING OR
15 PORTIONS OF THE REST OF THE BUILDING FOR
16 LANDMARKING, OR THE REST OF THE FACADE IF WE
17 WANT TO KEEP IT ONLY IF IT APPLIES TO THE
18 FACADE. I JUST THINK WE DON'T WANT TO PUT
19 OURSELVES IN A POSITION WHERE WE CAN'T FIVE
20 YEARS FROM NOW SAY GOD, WE REALLY SHOULD KEEP
21 THAT CORNER BUILDING BECAUSE THE BANK IS GOING
22 TO SELL IT TO A TAKE-OUT PIZZA PARLOR OR
23 SOMETHING.

24 MR. RANDOLPH: THE ONLY WAY YOU'D BE ABLE
25 TO GET THAT WOULD NOT BE BY HEARING FROM STAFF,

1 YOU WOULD HAVE TO HEAR IT FROM THE OWNERS OF THE
2 PROPERTY AS TO WHETHER OR NOT THEY WOULD WAIVE
3 ANY OBJECTION IN THE FUTURE IN REGARD TO THAT.
4 WE WOULD NOT BE ABLE TO GIVE YOU THAT COMFORT.

5 I COULD TELL YOU THAT WHEN YOU'RE DEALING
6 WITH DIFFERENT PARTIES WHERE THERE HAS BEEN A
7 SUBSTANTIAL CHANGE OF CIRCUMSTANCES, THAT
8 ADMINISTRATIVE RES JUDICATA MAY NOT APPLY IN THE
9 FUTURE. BUT IF YOU'RE STILL DEALING WITH THE
10 SAME PARTIES AND YOU HAVEN'T HAD A SUBSTANTIAL
11 CHANGE, I AM RELATIVELY CONFIDENT THAT IT WOULD
12 APPLY. SO I THINK THE ONLY WAY THAT YOU COULD
13 HAVE THE COMFORT OF KNOWING THAT IT WOULD NOT
14 APPLY WOULD BE TO GET AN AGREEMENT FROM THE
15 PROPERTY OWNER THAT THEY WOULD NOT RAISE THAT AS
16 AN ISSUE IF THIS MATTER WERE TO COME UP IN THE
17 FUTURE.

18 MR. GUBELMANN: DOES THE BOARD HAVE ANY
19 PROBLEM WITH ASKING THAT OF THE PROPERTY OWNER?

20 MS. METZGER: I'M A LITTLE CONFUSED HERE
21 BECAUSE I WOULD THINK THAT THIS WOULD BE A
22 SITUATION WHERE YOU'RE GOING TO HAVE PART OF THE
23 BUILDING LANDMARKED. ISN'T THIS CONFUSING FOR
24 THE OWNER LATER BECAUSE THEN THEY ARE GOING TO
25 HAVE TO DEAL WITH TWO COMMISSIONS? I THOUGHT

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THIS WAS SOMETHING WE TRIED TO AVOID.

MR. FRANK: YES, THAT IS CORRECT. IN OUR DISCUSSIONS WITH THE BANK, I BELIEVE THAT WE DILIGENTLY AND CLEARLY DESCRIBED THIS PROBLEM TO THE OWNER OF THE PROPERTY.

MS. BURDEN: I WOULD LIKE TO SAY THAT WE DO UNDERSTAND THE TWO-COMMISSION ISSUE. I FEEL LIKE THIS WOULD BE LIKE A CLEAN, ACCEPTABLE ARRANGEMENT WITH BOTH PARTIES IF THE FACADE WERE DESIGNATED. BUT THIS VOLUNTARY DESIGNATION, WE UNDERSTAND THAT THIS IS THE ONLY PART THAT WOULD BE DESIGNATED AT THIS POINT. THAT'S OUR UNDERSTANDING.

MR. RANDOLPH: SO YOUR UNDERSTANDING WOULD BE THAT THERE WOULD BE TWO COMMISSIONS? YOU WOULD NOT -- EVEN THOUGH A PORTION WERE DESIGNATED, YOU WOULD NOT WANT TO GIVE LANDMARKS THE RESPONSIBILITY IN LIEU OF ARCOM FOR THE REST OF THE STRUCTURE, IS THAT CORRECT? BECAUSE THAT HAS BEEN DONE IN THE PAST.

MS. BURDEN: YES, WE UNDERSTAND.

MS. METZGER: AND IT'S VERY DIFFICULT FOR THE OWNER, IS IT NOT? IT'S MY UNDERSTANDING THAT SOMETIMES YOU CAN GET LANDMARK TO SAY ONE THING AND ARCOM SAYING ANOTHER AND IT GETS VERY

CONFUSING, CORRECT?

MR. RANDOLPH: WELL, POSSIBLY. BUT THAT'S THEIR OPTION. I MEAN, IT MAY BE A LOT CLEANER TO GO BEFORE ONE COMMISSION, AND WE'VE DONE THAT AS YOU KNOW. EVEN THOUGH WE'VE LANDMARKED A PORTION OF A PROPERTY, THE PROPERTY OWNER HAS AGREED TO ALLOW LANDMARKS TO BE THE REVIEWING BODY RATHER THAN ARCOM.

MS. METZGER: COULD WE SUGGEST THAT TO THE BANK, MINIMUM?

MR. RANDOLPH: I THINK WE HAVE JUST SUGGESTED THAT AND I THINK THEY FEEL THEY WOULD RATHER GO TO ARCOM IN REGARD TO THAT PORTION WHICH IS NOT DESIGNATED.

MS. ALBARRAN-MENDOZA: THEY MUST NOT HAVE GONE RECENTLY.

MS. BURDEN: I WOULD LIKE TO EMPHASIZE THAT THE BANK REALLY, TRULY WOULD LIKE TO COOPERATE WITH THE TOWN AND WE FEEL LIKE WE HAVE REACHED AN AGREEMENT ON THE BOUNDARIES AND THIS WE FEEL WOULD BE MUTUALLY ACCEPTABLE TO BOTH PARTIES. AND AGAIN, IN THE SPIRIT OF GOODWILL AND GOOD FAITH, I'D REALLY LIKE TO EMPHASIZE WE HAVE BEEN TALKING ABOUT THIS FOR SOME TIME. WE'VE, I THINK, COVERED EVERYTHING, I THINK WE

KNOW WHAT YOU'RE SAYING AND WE UNDERSTAND THAT.
BUT WE'D REALLY LIKE TO STRESS THE COOPERATION
AND THE VOLUNTARY GESTURE HERE.

CHAIRMAN CURL: ARE THERE ANY FURTHER
QUESTIONS OF THIS WITNESS?

MR. GUBELMANN: I HAVE ONE QUESTION, MISS
BURDEN. EVEN THOUGH YOU MAY HAVE REACHED THIS
AGREEMENT WITH STAFF, THIS IS THE FIRST WE HAVE
BEEN AWARE OF THIS AND I WANT TO KNOW, IS THERE
NOT ANY REASON WHY WE CAN'T THROW IT BACK TO YOU
AND SAY LOOK, WE'LL BE HAPPY TO ACCEPT YOUR
VOLUNTARY DESIGNATION AS LONG AS YOU WILL SUBMIT
TO US BEING THE REVIEWING BOARD? I THINK THAT'S
A REASONABLE COMPROMISE BECAUSE WE'RE ONLY
TAKING THE FACADE INTO CONSIDERATION HERE FOR
DESIGNATION, NOT THE ENTIRE PROPERTY, AND WE
WOULD LIKE TO BE THE BOARD YOU COME BEFORE
RATHER THAN HAVE YOU DEAL WITH TWO BOARDS.

MS. BURDEN: AT THE END OF LAST SEASON
WHEN WE HAD THIS MATTER DEFERRED, WE HAD COME
BEFORE THE COMMISSION AND WE HAD SPOKEN WITH THE
TOWN AS FAR AS THE COMMISSION ISSUE IS CONCERNED
AND HAD REACHED AN AGREEMENT THAT WE WOULD
DESIGNATE A PORTION OF THE FACADE. IT WAS
SIMPLY A MATTER OF REACHING WHERE WOULD THOSE

BOUNDARIES BE, AND WE WERE HAPPY THAT WE REACHED
THAT AGREEMENT THIS SEASON.

I UNDERSTAND WHAT YOU'RE SAYING. THE BANK
WOULD LIKE TO SEE THIS ORIGINAL FACADE, WHICH IS
A PART WE TRULY BELIEVE SHOULD BE LANDMARKED, TO
BE THE ONLY PORTION THAT IS SUBJECT TO THE
COMMISSION AND WE WOULD LIKE TO FREELY AND
VOLUNTARILY DESIGNATE THAT FOR YOUR REVIEW, ANY
CHANGE THAT MAY COME UP FOR THIS FACADE, BUT NOT
FOR THE REST OF THE PROPERTY. AS YOU ARE AWARE,
THE PROPERTY HAS BEEN RENOVATED AND MODIFIED
EXTENSIVELY AND WE JUST SIMPLY DO NOT FEEL THAT
THAT SHOULD BE LANDMARKED. THEY HAVE DONE SUCH
EXTENSIVE RENOVATIONS.

MR. GUBELMANN: WE'RE NOT ASKING YOU TO
LANDMARK THE REST OF IT. WE'RE SAYING WE WOULD
BE WILLING TO ACCEPT YOUR VOLUNTARY DESIGNATION
OF THE FACADE OF THE ORIGINAL BANK, PROVIDING YOU
COME TO US FOR ANY CHANGES YOU WANT TO MAKE TO
THE REST OF THE BUILDING RATHER THAN TO ARCOM.

MS. BURDEN: WOULD THAT BE IN EFFECT
GIVING THE LANDMARKS JURISDICTION OVER THE REST
OF THE PROPERTY WHERE IT WOULD BE THE ULTIMATE
-- THE WHOLE THING WOULD BE LANDMARKED?

MR. RANDOLPH: I DON'T THINK SO. I DON'T

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1 THINK THE CRITERIA WOULD BE THE SAME. YOU WOULD
2 JUST BE LANDMARKING THAT PORTION AS FAR AS
3 DEMOLITION BY NEGLECT AND ALL OF THE OTHER TERMS
4 THAT APPLY. IT WOULD JUST APPLY TO THAT. THEY
5 WOULD SIMPLY BE REVIEWING THE REST OF THE
6 PROPERTY INSTEAD OF ARCOM. I THINK THAT -- AND
7 AGAIN, THIS ISN'T TO EXPAND ON AN INTERPRETATION
8 OF THE ORDINANCE, BUT IT'S JUST FOR PURPOSES OF
9 DISCUSSION. IF YOU GO TO ARCOM, THEY ARE GOING
10 TO BE LOOKING AT CRITERIA SUCH AS WHETHER OR NOT
11 THE CHANGES ARE TOO SIMILAR OR TOO DISSIMILAR,
12 WHETHER OR NOT IT'S IN HARMONY WITH THE
13 SURROUNDING PROPERTIES, ET CETERA. SO I THINK
14 THEY WILL BE LOOKING AT CHANGES IN ACCORDANCE
15 WITH THE LANDMARKED PROPERTY TO SEE THAT THEY
16 ARE IN HARMONY. AND I THINK QUITE FRANKLY, THAT
17 THE REVIEW BY THIS BOARD WOULD BE SIMILAR, THAT
18 THEY WOULD BE LOOKING TO SEE WHETHER OR NOT THE
19 CHANGES ARE IN HARMONY WITH THE LANDMARK
20 STRUCTURE.

21 SO YOU KNOW, PERHAPS IT'S SOMETHING YOU'D
22 LIKE TO THINK ABOUT. IT PROBABLY WOULD BE, AND
23 I CAN'T DECIDE FOR YOU, OF COURSE, BUT IT SEEMS
24 TO ME IT WOULD BE EASIER FROM AN ADMINISTRATIVE
25 STANDPOINT IF YOU HAD ONE BODY TO GO BEFORE

1 RATHER THAN TWO.

2 MS. BURDEN: WHICH CRITERIA WOULD THE
3 LANDMARKS COMMISSION USE? WOULD THEY STILL BE
4 USING THE LANDMARKS CRITERIA?

5 MR. RANDOLPH: THEY WOULD BE USING --

6 MS. BURDEN: I THINK THAT GETS CONFUSING
7 WHAT YOU'RE PROPOSING.

8 MR. RANDOLPH: THEY WOULD BE USING THE
9 CRITERIA OF ARCOM TO MAKE SURE THAT IT WAS IN
10 HARMONY, BUT I THINK THERE WOULD HAVE TO BE AN
11 AGREEMENT THAT THEY WOULD NOT BE USING LANDMARK
12 CRITERIA.

13 MS. BURDEN: YOU'RE SIMPLY PROPOSING TO
14 SUBSTITUTE ONE COMMISSION FOR ANOTHER? I HAVE
15 NOT DISCUSSED THAT PARTICULAR ASPECT WITH MR.
16 WALKER OR MEMBERS OF THE BANK. I WOULD NOT LIKE
17 TO COMMIT TO THAT TODAY. I STILL FEEL THAT THAT
18 MAY BE THE SAME RESULT AS IF THE ENTIRE PROPERTY
19 WERE LANDMARKED. AND WE AGAIN THOUGHT THIS
20 WOULD BE A CLEAN CUT -- WE DO UNDERSTAND THE
21 TWO-COMMISSION ASPECT. WE DO UNDERSTAND THE
22 PROCEDURES OF BOTH COMMISSIONS AND HOW WE WOULD
23 HAVE TO GO BEFORE BOTH IF IT WERE NECESSARY.

24 CHAIRMAN CURL: MR. MOORE?

25 MR. MOORE: YES, SIR. ALTHOUGH I'VE JUST

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REVIEWED MRS. BURDEN'S LETTER, ONCE AGAIN, I DO NOT, IF I UNDERSTAND HER INTERPRETATION OF WHAT SHE PUT IN THE LETTER, I DON'T THINK WE EVER DISCUSSED WHOSE JURISDICTION WOULD BE WHERE. IT HAS BEEN DONE IN THE PAST WHERE YOU HAVE RETAINED THE JURISDICTION. AND QUITE FRANKLY, THE OWNER WANTED ONLY ONE BOARD TO DEAL WITH.

IN THIS CASE IT'S QUITE CLEAR. MRS. BURDEN HAS REPRESENTED THAT THE BANK DOES NOT WANT THE TWO JURISDICTIONS. I MEAN, DOES NOT WANT THE ONE JURISDICTION AND ONLY WANTS THE CENTER BUILDING TO BE ADDRESSED BY LANDMARKS. THE ORIGINAL BUILDING IS, OF COURSE, THE CENTERPIECE OF THE ENTIRE BLOCK AS FAR AS THE STRUCTURES THAT ARE IN QUESTION THAT WE ARE DISCUSSING NOW.

IT IS IN A SPIRIT OF COOPERATION AND DISCUSSIONS WITH STAFF -- AND I WANT TO ADDRESS MR. GUBELMANN'S COMMENT IN JUST A MOMENT. WE CAN ONLY, OF COURSE, RECOMMEND. WE CERTAINLY DO NOT MAKE FINAL DETERMINATION. YOU MAKE YOUR FINDINGS AND THEN PASS THEM TO COUNCIL FOR RATIFICATION. SO IN NO WAY DO OUR DISCUSSIONS WITH THE APPLICANT OR WITH THE PERSONS BEING CONSIDERED FOR LANDMARK ARE THEY A FINAL

DECISION. THEY ARE MERELY RECOMMENDATIONS FROM THE STAFF'S STANDPOINT. AND IN FACT, WE DO RECOMMEND FROM THE STAFF'S STANDPOINT THAT WE ACCEPT THE OFFER OF THE ORIGINAL BANK TO BE PRESERVED. BUT FROM A PRACTICAL STANDPOINT, BY LANDMARKING OF THE ORIGINAL BANK, IT REALLY DOES PROVIDE PROTECTION FOR THE PROPERTY ON EITHER SIDE.

THE QUESTION OF THE JURISDICTION OF REVIEW IS ONE OF CHOICE. IT'S MORE CUMBERSOME TO GO BEFORE TWO DIFFERENT COMMISSIONS, BUT IF THE OWNER CLEARLY UNDERSTANDS THAT THEY WOULD BE LOOKED AT IN TWO DIFFERENT LIGHTS BY TWO SEPARATE COMMISSIONS, THEN THEY ARE EXPRESSING THE UNDERSTANDING THAT THAT IN FACT IS WHAT THEY WOULD HAVE TO DO.

SO IT IS IN FRONT OF YOU, THEIR VOLUNTARY DESIGNATION OF THE ORIGINAL BUILDING IS IN FRONT OF YOU, AND IT WOULD BE APPROPRIATE THAT YOU EITHER CONSIDER THEIR ORIGINAL -- THE OFFER OF THE ORIGINAL BUILDING IN FRONT OF YOU OR OTHER ACTIONS THAT YOU MIGHT WANT TO TAKE. THE STAFF DOES RECOMMEND THAT WE TAKE THEIR OFFER OF THE ORIGINAL BUILDING.

CHAIRMAN CURL: ARE THERE ANY OTHER

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QUESTIONS OF THE WITNESS?

MR. GUBELMANN: ONE QUESTION. NOT OF THE WITNESS. BUT WOULD IT BE APPROPRIATE FOR US TO ADD A CAVEAT SAYING THAT WE WILL BE HAPPY TO ACCEPT THE VOLUNTARY DESIGNATION IF THEY WOULD BE WILLING TO HAVE US RETAIN JURISDICTION RATHER THAN ARCOM OVER FUTURE MODIFICATIONS AND CHANGES?

MR. RANDOLPH: IT WOULD CERTAINLY BE APPROPRIATE. IT'S NOT -- OBVIOUSLY THERE HAS BEEN DISCUSSION BETWEEN STAFF AND THE APPLICANT AND THE RECOMMENDATION IS BEING MADE BY STAFF, AND IT DOESN'T APPEAR THAT THAT CAVEAT IS AGREEABLE TO THE APPLICANT.

SO IN EFFECT, THE OFFER OF VOLUNTARY DESIGNATION AS TO THE ORIGINAL STRUCTURE WOULD REALLY NOT CONTINUE, I DON'T THINK, WITH THAT CAVEAT WITHOUT AN AGREEMENT FROM THE PROPERTY OWNER. SO YOU CERTAINLY HAVE THE JURISDICTION TO BE ABLE TO DO THAT.

MS. METZGER: CAN'T THE PROPERTY OWNER GO BACK AND DISCUSS IT WITH THEIR BOARD?

MS. BURDEN: IF THE COMMISSION CHOOSES NOT TO ACCEPT THE VOLUNTARY DESIGNATION AS WE HAVE PROPOSED, WE WOULD LIKE AN OPPORTUNITY TO

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DISCUSS THAT OTHER ASPECT. BUT AGAIN, WE WOULD LIKE TO STRESS WE CERTAINLY AS A RESULT OF LONG NEGOTIATIONS, OR LONG DISCUSSIONS I SHOULD SAY, IN GOOD FAITH, WE WOULD VERY MUCH ENCOURAGE YOU TO ACCEPT OUR PROPOSAL.

MR. FRANK: IF IT HELPS, WE HAVE TALKED ABOUT THE LONG DISCUSSIONS. AND TO'KIND OF REITERATE WHAT MR. MOORE HAS SAID, WE ESSENTIALLY ACT AS MEDIATORS AND WE LISTEN TO THE PROPOSALS AND WE BRING BACK WHAT THE SUGGESTIONS OR RECOMMENDATIONS OR IDEAS OF THE OWNER ARE. I CAN ASSURE THE COMMISSION THAT IN THIS CASE, THIS CONCEPT OF TWO JURISDICTIONS BEING INVOLVED WAS CLEARLY DESCRIBED ON MANY OPPORTUNITIES WHERE WE HAVE MET, AND I THINK THAT THEY CLEARLY UNDERSTAND THE DIFFICULTIES IF THEY WANT TO HAVE A REDEVELOPMENT OF THEIR SITE AND THAT THERE WOULD BE TWO COMMISSIONS INVOLVED IN SUCH A PROCESS. THEY CLEARLY UNDERSTAND THIS, IF THAT HELPS AT ALL.

MR. MOORE: YOU MEAN RENOVATION, NOT REDEVELOPMENT.

MR. FRANK: RIGHT, RENOVATION. SORRY.

CHAIRMAN CURL: THANK YOU, MR. MOORE.

ARE THERE ANY OTHER WITNESSES WHO WISH TO

BE HEARD?

WE NOW COME TO COMMENTS FROM THE
COMMISSIONERS.

MS. ALBARRAN-MENDOZA: I JUST HAVE ONE
COMMENT, WHICH IS THAT AFTER MR. SVED'S
PRESENTATION OF ALL OF THE BEAUTIFUL BUILDINGS
WHICH DO TAKE UP THIS BLOCK, I SUPPOSE THAT THIS
ONE PARTICULAR ONE MAY BE OF VERY MUCH
IMPORTANCE TO THE FIRST NATIONAL BANK. BUT TO
ME, IT SEEMS LIKE ALMOST ALL OF THEM ARE OF THE
SAME IMPORTANCE. I MEAN, ALL OF THE FATIO
BUILDINGS, THE ONE IN THE CORNER, THE
THREE-STORY ONE, THEY ARE WONDERFUL BUILDINGS,
AND I WOULD BE VERY AFRAID BY ACCEPTING A
DESIGNATION OF ONE SMALL PIECE WE ARE ACTUALLY
MAYBE NOT EVER GOING TO BE ABLE TO DESIGNATE THE
REST. I ALMOST NOT RATHER ACCEPT THIS SMALL ONE
SO WE CAN GO FOR THE WHOLE BUILDING. I DON'T
KNOW IF I'M MAKING ANY SENSE, BUT I'M JUST
WORRIED THAT WE ARE LOSING THE REST OF IT.

CHAIRMAN CURL: MAY I SAY, BEFORE WE GO
ON, THAT I TALKED TO MISS BURDEN ON THE
TELEPHONE AND I VERY MUCH MISUNDERSTOOD WHAT WAS
BEING SAID, AND I SAID THAT I THOUGHT THE FACADE
DESIGNATION WAS A VERY GOOD THING. BUT I REALLY

1 THOUGHT BY THE FACADE DESIGNATION, I THOUGHT SHE
2 MEANT THE ENTIRE STREETScape. I WAS NOT UNDER
3 THE IMPRESSION IT WAS THE SMALL 1927 BANK
4 FACADE.

5 MS. BURDEN: THAT IS THE PORTION WE
6 CLEARLY DESCRIBED IN OUR LETTER.

7 CHAIRMAN CURL: I HAVN'T SEEN THE LETTER.

8 MS. BURDEN: I APOLOGIZE IF THERE WAS ANY
9 MISUNDERSTANDING. BUT AGAIN, IN OUR DISCUSSIONS
10 WITH THE STAFF WE UNDERSTOOD THAT THIS IS WHAT
11 OUR PROPOSAL WOULD BE.

12 CHAIRMAN CURL: I UNDERSTAND THAT. I JUST
13 HAVE NOT SEEN THE LETTER, AND FROM YOUR
14 DESCRIPTION I DID NOT UNDERSTAND IT.

15 MS. METZGER: I FEEL THE SAME AS I SAID
16 BEFORE, WHICH IS TO GO ON WITH MR. GUBELMANN'S
17 SUGGESTION. AND JACKIE'S IS EVEN STRONGER. SO
18 WE HAVE DEGREES TO CHOSE FROM HERE.

19 MS. GINGRAS: I'M AFRAID I HAVE TO AGREE
20 WITH JACKIE.

21 MS. BURDEN: MAY WE ASK FOR A DEFERRAL TO
22 CONSIDER THIS OTHER OPTION, THAT THIS FACADE
23 WOULD BE VOLUNTARILY DESIGNATED WITH THE
24 LANDMARKS PRESERVATION COMMISSION RETAINING
25 JURISDICTION OVER THE REST AS OPPOSED TO

1 LANDMARKING THE ENTIRE BUILDING? MAY WE HAVE AN
2 OPPORTUNITY TO DISCUSS THAT WITH OUR CLIENT AS
3 OPPOSED TO YOUR GOING FORWARD WITH THE ENTIRE
4 BUILDING?

5 MR. SILVERMAN: I GUESS WE ALL AGREE IF --
6 I WONDER IF MR. WALKER WANTS TO SAY SOMETHING IN
7 THIS HEARING.

8 MR. GUBELMANN: DOES HE WANT TO DISCUSS
9 THIS WITH THE BOARD? MAYBE MR. WALKER CAN GIVE
10 US AN INDICATION AS TO WHAT HIS FEELINGS MIGHT
11 BE OR WHAT THE BOARD'S REACTION MIGHT BE TO THIS
12 PROPOSAL.

13 CHAIRMAN CURL: IS IT NECESSARY THAT WE
14 SWEAR THE WITNESS IN?

15 MR. RANDOLPH: YES. IF HE IS GOING TO
16 MAKE A STATEMENT, HE IS GOING TO HAVE TO BE
17 SWORN.

18
19 THEREUPON,

20 THOMAS WALKER,
21 AFTER HAVING BEEN FIRST DULY SWORN TO TELL THE
22 WHOLE TRUTH AS HEREINAFTER CERTIFIED, TESTIFIED AS
23 FOLLOWS:

24
25 MR. WALKER: GOOD MORNING. IS THERE

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SOMETHING SPECIFIC THAT YOU WOULD LIKE ME TO
RESPOND TO?

CLEARLY WE UNDERSTAND THE JURISDICTION OF
BOTH GROUPS. THIS IS SOMETHING THAT WE HAVE
BEEN DISCUSSING FOR A LONG TIME. AND WHEN I SAY
FOR A LONG TIME, I GUESS I GO BACK TO 1979, WHEN
THIS FIRST CAME UP IN 1979. THAT'S AN ISSUE
THAT, VERY FRANKLY, I WOULD LIKE TO GET CORRECT.
SO IF IT TAKES A LITTLE LONGER IN YOUR
DELIBERATION, I WOULD BE MORE THAN HAPPY TO
COOPERATE WITH YOU.

I THOUGHT WE HAD THE PROPER SPIRIT OF
COOPERATION WITH THE VOLUNTARY DESIGNATION.
IT'S NOT AN ATTEMPT TO SKATE BY WITH ONLY A
PARTIAL DESIGNATION AND NOT SWIM UPSTREAM, IF
YOU WILL, WITH REGARD TO THE REST OF THE
BUILDING.

WE REALIZE, OF COURSE, THE IMPORTANCE OF
THAT BUILDING, THAT LOCATION FOR THE VALUE OF
OUR ECONOMIC FRANCHISE, BUT WE WOULD BE MORE
THAN HAPPY TO COOPERATE IN FURTHER DISCUSSIONS
TO THE EXTENT THAT THAT WOULD BE HELPFUL TO THIS
GROUP.

MR. GUBELMANN: ONE THING FOR MR. WALKER.
I THINK WHAT WE WOULD LIKE TO ASK YOU TO MAKE

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YOUR BOARD AWARE OF, IS WE CONSIDER EACH AND
EVERY ONE OF THOSE BUILDINGS IN THEIR OWN RIGHT
AN IMPORTANT BUILDING, AND WE DON'T WANT TO PUT
OURSELVES IN A POSITION BY ACCEPTING YOUR
VOLUNTARY DESIGNATION OF THE ORIGINAL BUILDING
ONLY. WE, THROUGH MATTERS OF RES JUDICATA, MAKE
IT SO WE CAN'T AT A FUTURE DATE LANDMARK ANY OF
THE OTHER PROPERTIES. AND I THINK THAT IT'S
VERY IMPORTANT THAT WE RETAIN THE RIGHT, IF WE
ACCEPT YOUR VOLUNTARY DESIGNATION OF THE
ORIGINAL PART, THAT WE ASK FOR THIS CAVEAT
AND/OR GIVING US THE AUTHORITY OVER THE ENTIRE
FACADE.

MR. MOORE: DR. CURL, IN LISTENING TO THE
COMMENTS OF THE COMMISSIONERS, IT IS CLEAR THAT
THE COMMISSION IS PRETTY MUCH GOING IN THE
DIRECTION THAT THEY WANT TO; AT A BARE MINIMUM,
ACHIEVE THE REVIEW PROCESS AT LEAST FOR THE
OTHER BUILDINGS. AND PERHAPS IF MRS. BURDEN AND
MR. WALKER HAVEN'T BEEN GIVEN THAT DIRECTION, I
THINK IF YOU ARE GOING TO ENTERTAIN MRS.
BURDEN'S REQUEST FOR A DEFERRAL, WHICH I THINK
IS CERTAINLY PROPER UNDER THESE CONDITIONS,
BECAUSE AS MR. RANDOLPH SAID, THEY DID NOT COME
BEFORE YOU TODAY WITH ANY UNDERSTANDING OTHER

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1 THAN THE VOLUNTARY LETTER THAT MRS. BURDEN HAS
2 GIVEN YOU ON THEIR BEHALF.

3 I BELIEVE THAT IT WOULD BE IMPORTANT FOR
4 THEM TO HAVE SOME INDICATION BECAUSE WHAT WE'RE
5 TALKING ABOUT HERE ARE REALLY TWO DIFFERENT
6 THINGS. WE'RE TALKING ABOUT THE POSSIBILITY OF
7 YOU RECOMMENDING TO THE MAYOR AND TOWN COUNCIL
8 COMPLETE LANDMARK OF THE ENTIRE FACADE OR THE
9 PROPERTY, OR IN AN ALTERNATIVE AND AS A
10 MODIFICATION TO THEIR VOLUNTARY PROPOSAL, A
11 LANDMARKING OF THE ORIGINAL BUILDING AND
12 MAINTAINING CONTROL BY WAY OF AN AGREEMENT THAT
13 WOULD BE SATISFACTORY TO BOTH THE PROPERTY OWNER
14 AND THE LANDMARKS COMMISSION, WITH THE APPROVAL
15 OF MR. RANDOLPH WHAT TYPE OF REVIEW PROCESS YOU
16 WOULD HAVE ON THE REMAINING STRUCTURES.

17 FROM THE STAFF'S STANDPOINT, YOU HEARD OUR
18 RECOMMENDATION AND CERTAINLY IT'S ONLY A
19 RECOMMENDATION. YOU CERTAINLY ARE FREE TO
20 IGNORE IT OR TO ACCEPT IT OR TO MODIFY IT. IN A
21 SPIRIT OF COMPROMISE FROM THE STAFF'S
22 STANDPOINT, WE WOULD CERTAINLY BE WILLING TO
23 MODIFY OUR RECOMMENDATIONS TO INCLUDE MR.
24 GUBELMANN'S ORIGINAL REMARKS AS TO JURISDICTION,
25 AT LEAST ON REVIEW PROCESS. IF NOT THE ENTIRE

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PROPERTY, THEN AT LEAST THE REVIEW PROCESS.
FROM THAT MATTER, ANY TYPE OF RENOVATION OR
WINDOW CHANGES AND SO FORTH THAT WOULD BE
PROPOSED WOULD NOT BE REVIEWED BY ARCOM, BUT
WOULD BE REVIEWED BY THIS GROUP, AND THAT HAS
OCCURRED IN THE PAST.

I THINK THAT THEY OUGHT TO HAVE SOME
DIRECTION FROM YOU TODAY AND I THINK THEIR
DEFERRAL SHOULD BE TREATED ON A POSITIVE BASIS,
BUT AT LEAST SEND THEM AWAY WITH WHAT THEY ARE
GOING TO NEED TO TALK ABOUT BETWEEN NOW AND NEXT
MONTH.

CHAIRMAN CURL: I THINK THAT DEFINITELY
THERE ARE TWO DIFFERENT THINGS THAT WE'RE
TALKING ABOUT AND IT MIGHT BE A VERY WISE THING
TO AT THIS POINT SEE WHAT THE CONSENSUS OF THE
COMMISSION IS. WE EITHER GO THE FULL ROUTE OR
WE GO ANOTHER WAY.

MS. ALBARRAN-MENDOZA: I STRONGLY FEEL WE
GO THE FULL ROUTE.

CHAIRMAN CURL: IN SAYING THAT, DO YOU
MEAN THE FACADE OR AS THE ORIGINAL DESIGNATION
REPORT?

MS. ALBARRAN-MENDOZA: WELL ACTUALLY, TO
LANDMARK ALL OF THE INDIVIDUAL BUILDINGS THAT

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1 MAKE UP THE ENTIRE FACADE FROM SEAVIEW TO SOUTH
2 COUNTY.

3 MR. RANDOLPH: THE FACADE OF ALL OF THOSE
4 STRUCTURES RATHER THAN --

5 MS. ALBARRAN-MENDOZA: THAT WERE REVIEWED
6 TODAY BY MR. SVED.

7 MS. METZGER: I THINK IT WOULD BE IN THE
8 BANK'S BEST INTEREST TO DO THAT, IF YOU LOOK AT
9 IT FROM A PURELY BUSINESS POINT OF VIEW. I
10 MEAN, THAT'S MY FEELING. I MEAN, THEY HAVE BEEN
11 THERE A LONG TIME, THEY REPRESENT A CERTAIN
12 IMAGE IN PALM BEACH. I HAVE BEEN A CLIENT
13 MYSELF FOR 15 YEARS AND I REALLY THINK YOU WILL
14 BE DOING YOURSELF A HUGE FAVOR BY DOING THAT,
15 FRANKLY. THAT'S MY OPINION. THIS BANK HAS BEEN
16 HERE A LONG TIME, IT'S GOING TO BE HERE A LONG
17 TIME. I THINK IT WOULD HELP YOUR PUBLIC IMAGE.

18 MS. ALBARRAN-MENDOZA: IT'S THE FIRST
19 THING EVERYBODY SEES AS THEY COME INTO PALM
20 BEACH.

21 MR. THOMAS: MAYBE I'VE LIVED IN NEW YORK
22 TOO LONG, BUT YOUR DECISION NOT TO WANT TO DO
23 THAT WOULD INDICATE THAT SOMETIME IN THE FUTURE
24 YOU MIGHT WANT TO CHANGE IT. THAT'S THE WAY I
25 WORK.

1 MS. METZGER: WHO NEEDS ANOTHER GLASS AND
2 MARBLE BANK?

3 MR. THOMAS: THAT'S THE TROUBLE WITH THIS
4 TOWN. WHEN I CAME HERE IN 1960 AS A VISITOR AND
5 CAME BACK FIVE YEARS AGO, I DIDN'T RECOGNIZE IT.

6 MS. BURDEN: AGAIN, ARCOM WOULD CERTAINLY
7 GOVERN WHAT THE REST OF THE PROPERTY WOULD DO.
8 THE BANK CERTAINLY COULDN'T --

9 MS. METZGER: I KNOW. BUT I'M TALKING
10 ABOUT A PUBLIC IMAGE THAT YOU'RE PUTTING ACROSS
11 TO YOUR CLIENT, WE'VE BEEN HERE A LONG TIME,
12 WE'RE GOING TO STAY HERE A LONG TIME.

13 MR. THOMAS: WE ARE GOING TO LOOK THE
14 SAME.

15 MS. METZGER: YES. I DON'T MEAN TO TELL
16 YOU YOUR JOB.

17 MR. WALKER: THANK YOU. NOR WOULD I
18 ENTERTAIN TO DO SO FOR YOU. I THINK WE HAVE
19 DEMONSTRATED OVER THE LAST SEVERAL YEARS THE
20 INTEREST THAT THIS COMMERCIAL ENTERPRISE, A
21 NATIONAL BANK, HAS WITHIN THIS COMMUNITY. I
22 THINK OUR RECORD REALLY SPEAKS FOR ITSELF WITH
23 REGARD TO COMMUNITY SERVICE, COMMUNITY
24 CONSCIOUSNESS AND AWARENESS AND SO ON.

25 IT DOES SEEM TO ME THAT YOU DO HAVE THE

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1 ISSUE BEFORE YOU RIGHT NOW OF LANDMARKING THE
2 ENTIRE PROPERTY, AND WE ARE HERE TALKING AND
3 OFFERING A VOLUNTARY DESIGNATION OF A PORTION OF
4 IT. BUT THE FIRST NOTIFICATION THAT I HAVE,
5 THAT I RECEIVED WAS WITH THE DESIGNATION OF THE
6 ENTIRE PROPERTY, AND IT SEEMS TO ME THAT THAT'S
7 THE ISSUE THAT YOU HAVE BEFORE YOU TODAY, NOT
8 SOMETHING OTHER THAN THAT. THAT GOES BACK TO
9 THE ORIGINAL DOCUMENTS THAT ARE NOW WHAT, 18
10 MONTHS? EIGHTEEN MONTHS AGO WAS THE FIRST
11 NOTIFICATION THAT WE HAD. SO YOU DON'T NEED TO
12 MODIFY ANY REQUESTS. THAT IS THE REQUEST THAT
13 YOU, OR RATHER, THE PROPOSAL THAT YOU HAVE
14 BEFORE YOU TODAY.

15 AS FAR AS THE DEFINITION OF THE FUTURE
16 GLASS, REFLECTIVE GLASS, SIX-STORY, FOUR-STORY,
17 THREE-STORY BUILDINGS, I THINK THAT THE CURRENT
18 ADMINISTRATION OF THAT FINANCIAL ENTERPRISE
19 UNDERSTANDS AS WELL AS ANYONE THE VALUE OF THE
20 FACILITY AS IT'S THERE TODAY AND CLEARLY
21 INCORPORATES THAT INTO ITS PLANS FOR THE FUTURE.

22 MR. THOMAS: BUT PEOPLE IN ADMINISTRATIONS
23 CHANGE.

24 MR. WALKER: THEY CERTAINLY DO, AS THEY
25 HAVE SINCE THIS ISSUE FIRST AROSE IN 1979.

MR. THOMAS: THE REASON I VOLUNTARILY
LANDMARKED MY HOUSE IS I DIDN'T WANT MY CHILDREN
TO BE ABLE TO SUBDIVIDE IT.

MR. WALKER: I THINK YOU AND I MAY BE
MOTIVATED IN THE SAME DIRECTION WITH REGARD TO
THE TREATMENT NOT OF THE ENTIRE PROPERTY, BUT AT
LEAST AN OPPORTUNITY WITHIN THE PROPERTY TO
IDENTIFY THAT LANDMARK EFFORT. AND CLEARLY WE
UNDERSTAND THAT IT GIVES JURISDICTION TO THIS
GROUP FOR AT LEAST PART OF THE PROPERTY, WHICH I
BELIEVE IS IMPORTANT TO SERVE THE COMMUNITY ON
THE WHOLE.

CHAIRMAN CURL: THANK YOU, MR. WALKER.

MR. RANDOLPH: I'D LIKE TO EMPHASIZE THAT
I BELIEVE MR. WALKER IS CORRECT, THAT THERE ARE
TWO ISSUES BEFORE YOU TODAY. ONE ISSUE, WHETHER
YOU DESIGNATE THE ENTIRE PROPERTY OR WHETHER YOU
NEGOTIATE THROUGH WHAT HAS APPARENTLY COME ABOUT
THROUGH NEGOTIATION OF STAFF, YOU ACCEPT A
VOLUNTARY DESIGNATION OF THE OTHER. I DON'T
THINK YOU CAN FORCE UPON THE APPLICANT A REVIEW
BY LANDMARKS OF THE REMAINDER IF YOU JUST ACCEPT
THE FACADE BECAUSE THAT'S NOT PART OF WHAT HAS
BEEN OFFERED.

SO INDEED, WHAT IS BEFORE YOU TODAY IS

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1 WHETHER OR NOT YOU WANT TO DESIGNATE THE ENTIRE
2 PROPERTY OR WHETHER YOU WILL ACCEPT THE
3 VOLUNTARY DESIGNATION OF THE PORTION THAT HAS
4 BEEN OFFERED. IF A DEFERRAL IS BEING ASKED FOR
5 IN REGARD TO WHETHER OR NOT TO CONSIDER --
6 WHETHER OR NOT LANDMARKS CAN HAVE REVIEW IN LIEU
7 OF YOUR DESIGNATING THE ENTIRE PROPERTY, I THINK
8 THAT AN OPPORTUNITY OUGHT TO BE GIVEN TO THE
9 APPLICANT TO CONSIDER THAT.

10 FURTHERMORE, IF IT'S YOUR DESIRE TO
11 DESIGNATE THE ENTIRE PROPERTY, I WOULD LIKE --
12 AND TO MAKE A MOTION TO DO SO, I'D LIKE TO POINT
13 THIS OUT. ALTHOUGH AN APPLICANT SHOULD COME
14 BEFORE A BOARD READY TO PROCEED ON THE MATTER,
15 AS HAS BEEN ADVERTISED AND DESIGNATED, IT SEEMS
16 TO ME THERE HAS BEEN A LOT OF NEGOTIATION WITH
17 STAFF OVER APPARENTLY A YEAR'S PERIOD OF TIME IN
18 REGARD TO THIS VOLUNTARY DESIGNATION, WHETHER A
19 RECOMMENDATION FROM STAFF BE ACCEPTED. I THINK
20 THAT IN LIGHT OF EVERYTHING THAT'S BEEN
21 DISCUSSED, IF IT APPEARS THAT YOU MAY WANT TO GO
22 AHEAD WITH A FULL DESIGNATION, THAT IF THE
23 APPLICANT WANTED A DEFERRAL IN ORDER TO BE ABLE
24 TO PREPARE FOR CROSS EXAMINATION IN REGARD TO
25 THE REMAINDER OF THE BUILDING, I THINK THE

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APPLICANT SHOULD HAVE THAT OPPORTUNITY, JUST TO
INSURE DUE PROCESS.

MR. MOORE: ONE OTHER THING, DR. CURL, I'D
LIKE TO POINT OUT AND THAT IS, IT'S ALWAYS NOT
EASY TO TALK IN THE ABSENCE OF SOMEONE ELSE, BUT
WE CONTINUALLY REFER TO STAFF. I WOULD LIKE IT
TO BE WELL ON THE RECORD THAT THE PRIOR
CHAIRMAN, MR. SULLIVAN, WAS HANDLING A GREAT
MANY OF THESE NEGOTIATIONS. SO ONE OF YOUR OWN
GROUP WAS ACTUALLY TALKING WITH THE BANK LONG
BEFORE THE STAFF FINALIZED WHAT WAS BEING
DISCUSSED BY ONE OF YOUR OWN GROUP. SO FOR THE
RECORD, IT WAS NOT PURELY THE STAFF THAT DID ALL
OF THE NEGOTIATION WITH THE FIRST NATIONAL BANK.

MS. BURDEN: IN ADDITION TO WHAT MR. MOORE
WAS COMMENTING ON, MR. SULLIVAN HAD WRITTEN US A
LETTER LAST SEASON SAYING THAT WE UNDERSTAND
THAT WE HAVE AN AGREEMENT ON SOME PORTION OF THE
FACADE AND IT WAS SIMPLY A MATTER OF GETTING
DOWN TO WHERE IT WOULD BE DESIGNATED.

AND IF YOU DO CHOSE TO GO FOR THE ENTIRE
LANDMARK DESIGNATION, I WOULD LIKE TO MAKE IT
VERY CLEAR FOR THE RECORD THAT WE DID HAVE A
LETTER IN WRITING FROM THE CHAIRMAN OF THE
COMMISSION LAST SEASON.

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MR. RANDOLPH: WELL, LET ME POINT OUT THAT THAT IS NOT BINDING UPON THIS COMMISSION. HE IS ONLY ONE MEMBER OF THE COMMISSION, BUT THE POINT IS NOTED FOR THE RECORD.

MR. GUBELMANN: I DON'T KNOW WHETHER IT WOULD BE APPROPRIATE FOR US TO ENTERTAIN A MOTION TO LET THE FIRST NATIONAL BANK HAVE A ONE-MONTH DEFERRAL OF THIS MATTER TO DISCUSS WITH THEMSELVES AS TO WHETHER THEY WOULD ACCEPT US BEING THE REVIEWING AUTHORITY FOR THEIR ENTIRE PROPERTY IN EXCHANGE FOR US ACCEPTING THEIR VOLUNTARY DESIGNATION OF THE CENTRAL PART OF THE BANK. I DON'T KNOW WHETHER I SHOULD MAKE THAT MOTION, BUT THAT'S A SUGGESTION.

MR. MOORE: WELL, IF IT IS A MOTION --

MR. RANDOLPH: I WOULDN'T WANT YOU TO -- IF YOU WANT TO MAKE A MOTION TO DEFER TO ALLOW THESE VARIOUS THINGS THAT HAVE COME UP TO BE DISCUSSED, I THINK THAT'S FINE. I HATE TO SEE YOU DEFER IT WITH THAT SPECIFIC QUESTION IN MIND IF YOU ARE JUST GOING TO COME BACK HERE AND SAY, WELL, THAT'S NOT WHAT THIS COMMISSION IS LOOKING FOR, WE'RE LOOKING FOR AN ENTIRE DESIGNATION OF THE PROPERTY.

MR. GUBELMANN: I THINK WE SHOULD

DETERMINE THAT, AT LEAST INFORMALLY AT THIS
POINT, SO THEY DO KNOW WHAT OUR FEELINGS ARE ON
THIS.

CHAIRMAN CURL: THIS IS NOT BINDING, BUT I
TAKE IT AS WE GO AROUND THAT THERE ARE THREE
PEOPLE HERE WHO ARE SAYING DESIGNATION OF THE
WHOLE THING?

MS. METZGER: UM-HMM.

MS. GINGRAS: I WOULD BE WILLING TO AGREE
WITH MR. GUBELMANN, TO THE REVIEW PROCESS,
SEEING AS THIS HAS BEEN QUOTE, UNQUOTE, UNDER
NEGOTIATION FOR SO LONG, AND THEY OBVIOUSLY ARE
WILLING TO COOPERATE, AND IF WE CAN COMPROMISE
SOMEWHAT.

MR. WALKER: DR. CURL, I CAN PERHAPS HELP
YOU ON THE TIMING OF THAT IF YOU ARE INTERESTED.

WE, AS I MENTIONED EARLIER, WE UNDERSTAND
COMPLETELY THE DUEL JURISDICTION AND THAT IS
COMPLETELY UNDERSTANDABLE TO US. SO THERE IS NO
NEED FOR ANY DEFERRAL WITH REGARD TO 30 DAYS TO
CONSIDER WHETHER WE WOULD LIKE TO HAVE UNIFORM
JURISDICTION OR NOT. THAT'S NOT THE CASE. WE
UNDERSTAND COMPLETELY.

AND IN FACT, I THINK WITH REGARD TO THE
ISSUE OF CONSIDERING LANDMARK, THAT IS THE

1 ISSUE. WE WERE ASKED TO PRESENT OURSELVES HERE
2 LAST MARCH. WE HAD A VARIETY OF CONVERSATIONS
3 WITH THE CHAIRMAN OF THIS COMMISSION AND WE HAVE
4 HAD REPRESENTATION FROM HIM WITH REGARD TO SOME
5 ALTERNATIVE OTHER THAN THE PETITION AND THE
6 IDENTIFICATION THAT'S BEFORE YOU THIS MORNING,
7 BUT IT DOES SEEM TO ME THAT THE ISSUE THAT'S
8 BEFORE YOU THIS MORNING IS WHETHER OR NOT TO
9 PROCEED WITH THE LANDMARKING OF THE ENTIRE
10 FACILITY OR SOME OTHER ALTERNATIVE, AND I WOULD
11 ENCOURAGE YOU, OBVIOUSLY, WITH REGARD TO THE
12 ALTERNATIVE.

13 CHAIRMAN CURL: OKAY.

14 MR. RANDOLPH: IS THE POINT THAT IT
15 DOESN'T MATTER, YOU REALLY DO NOT WISH TO HAVE
16 ANYMORE TIME TO CONSIDER THE DUEL REVIEW ROLE OF
17 LANDMARKS AND ARCOM? YOU WOULD NOT WANT A
18 DEFERRAL TO CONSIDER THAT?

19 MS. BURDEN: I THINK THAT MR. WALKER HAS
20 GIVEN YOU THE POSITION OF THE BANK. AGAIN, WE
21 WANTED TO STRESS OUR COOPERATION WITH THE
22 PROPOSAL WE PUT FORWARD.

23 I THINK IT MAY BE NECESSARY AT THIS POINT
24 AGAIN TO NOTE FOR THE RECORD THAT WE UNDERSTOOD
25 FROM MR. SULLIVAN THAT THERE IS NO OTHER BANK

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1 THAT IS LANDMARKED IN THE TOWN, AND THERE MAY
2 POSSIBLY BE AN ISSUE OF FEDERAL LAW PRE-EMPTION
3 OVER A NATIONAL BANK PREMISES. I DID NOT FIND
4 IT NECESSARY TO ADDRESS THIS BEFORE, BUT AT THIS
5 POINT I'D JUST LIKE TO MENTION THAT FOR THE
6 RECORD.

7 I WOULD LIKE TO STRESS AGAIN THE
8 CONTINUING, ONGOING DISCUSSIONS, AND WE
9 CERTAINLY FELT THIS WAS IN THE SPIRIT OF
10 GOODWILL AND WE WOULD LIKE TO SEE THAT PART OF
11 THE BANK LANDMARKED AND ONLY THAT PART.

12 MS. METZGER: BEING THE ONLY BANK IN TOWN
13 THAT'S LANDMARKED, I WOULD THINK IT WOULD BE A
14 WONDERFUL AS ASSET.

15 MS. BURDEN: BUT AGAIN, THAT'S THE
16 PORTION, THE ORIGINAL FACADE, WE STILL FEEL
17 SHOULD BE LANDMARKED.

18 MR. THOMAS: THERE ARE A GREAT MANY
19 NATIONAL BANKS IN NEW YORK CITY ON WALL STREET
20 THAT ARE LANDMARKED, I CAN ASSURE YOU OF THAT.

21 CHAIRMAN CURL: I DON'T THINK THAT'S AN
22 ISSUE AT THIS POINT.

23 ARE THERE ANY FURTHER COMMENTS FROM THE
24 COMMISSION?

25 WELL, I WOULD JUST LIKE TO SAY THAT I

DON'T LIKE THE COMPROMISE AT ALL. IT SEEMS TO ME THAT THERE ARE MANY IMPORTANT ELEMENTS TO THAT BANK. IT PRESENTS A STREETSCAPE THAT, AS EVERYONE HAS SAID, HAS A BEAUTY THAT IS ONE OF THE SORT OF OUTSTANDING CHARACTERISTICS OF PALM BEACH.

THE WHOLE OF WHAT WAS KNOWN AS THE PLAZA REGION, WHETHER IT WAS PHIPPS PLAZA OR AS IT WAS ORIGINALLY CALLED, EAST PLAZA, HAD AN INTEGRITY.

THE INTEGRITY STARTED WITH WYETH'S SPECTACULAR LITTLE BUILDINGS. THEY HAVE BEEN CHANGED, BUT THEY HAVEN'T BEEN COMPLETELY ALTERED FROM THE ORIGINAL. ONE OF THE THINGS MR. VOLK DID IN ADDING TO THE BANK OVER THE YEARS WAS TO LITERALLY LOOK AT WHAT WAS ALREADY THERE AND TRY TO DO SOMETHING THAT WORKED WITH WHAT WAS ALREADY THERE. AND I WOULD SAY THAT IF WE ACCEPT ONLY THE ONE SECTION OF THE BANK, WE ARE REALLY SAYING THAT THE REST OF THE EAST PLAZA AREA IS OF NO SIGNIFICANCE, THAT WYETH'S WORK, THAT THE REST OF FATIO'S WORK, THAT MR. VOLK'S WORK HAD NO REAL MEANING, AS FAR AS THE HISTORIC ARCHITECTURE OF PALM BEACH IS CONCERNED, AND I JUST FIND THAT I CAN'T DO IT.

MR. SILVERMAN: DOCTOR, YOU SEEM TO BE IN

FAVOR OF THE ENTIRE BUILDING, RATHER THAN JUST
THE ONE SEGMENT OR THE ENTIRE FACADE?

CHAIRMAN CURL: I THINK WHAT WE REALLY ARE
LOOKING AT IS WHAT WE ORIGINALLY PROPOSED AND
WHAT THE STAFF RESEARCHED. THIS IS WHAT WE AS
THE COMMISSION SAID WE WANTED TO SEE LANDMARKED
AND THIS IS WHAT THE STAFF DID AND, I THINK, DID
VERY WELL IN POINTING OUT WHY IT SHOULD BE
LANDMARKED. WE COULD MODIFY IT, BUT THAT'S UP
TO THE OTHER COMMISSIONERS.

MR. RANDOLPH: WELL, IN LIGHT OF THAT, IT
APPEARS THE ISSUE TODAY IS WHETHER YOU WILL
LANDMARK IT OR NOT. AND AGAIN, THE APPLICANT IS
NOT ABSOLUTELY ENTITLED TO A DEFERRAL IN REGARD
TO LANDMARKING THE ENTIRE PROPERTY BECAUSE THE
ENTIRE PROPERTY WAS NOTICED FOR LANDMARKING
TODAY AND YOU COULD VOTE ON IT TODAY IF YOU
WISHED. I UNDERSTAND THAT THE APPLICANT WOULD
LIKE A DEFERRAL IN LIGHT OF WHAT'S COME UP, IF
YOU WOULD GRANT IT, IN ORDER TO HAVE AN
OPPORTUNITY TO PREPARE FOR FURTHER DISCUSSION IN
REGARD TO LANDMARKING THE ENTIRE PROPERTY, BUT
THAT'S YOUR OPTION.

MS. BURDEN: LET ME JUST SAY IN JUST
DISCUSSING THIS MATTER WITH MR. WALKER, IT

DOESN'T SEEM THAT A DEFERRAL WOULD ACCOMPLISH ANYTHING FURTHER. AGAIN, WE VERY MUCH WANT TO COOPERATE AND WE STILL VERY MUCH HAVE OUR PROPOSAL ON THE TABLE, BUT I DON'T BELIEVE A DEFERRAL, FROM DISCUSSING THIS WITH MR. WALKER, WOULD ACCOMPLISH HIS POSITION. THE BANK'S POSITION IS VERY CLEAR. AND AGAIN, WE WOULD LIKE TO SEE OUR PROPOSAL ADOPTED BY THE COMMISSION.

MR. GUBELMANN: THEY DON'T WANT A DEFERRAL, SO WE SHOULD PROCEED.

I WANT TO TRY AND CLARIFY ONE THING HERE AND THAT IS, WHEN AND IF WE RECOMMEND THIS PROPERTY FOR LANDMARKING, ARE WE RECOMMENDING THE ENTIRE PROPERTY OR ARE WE RECOMMENDING THE FACADE ONLY? BECAUSE SOMETIMES ONE PERSON VOLUNTEERS THE FACADE AND ONE PERSON --

CHAIRMAN CURL: THIS REPORT IS THE ENTIRE PROPERTY AS OUTLINED IN THE REPORT.

MR. GUBELMANN: AND THEY ARE VOLUNTEERING THE FACADE, THE FACADE ONLY OF THE ORIGINAL BUILDING?

CHAIRMAN CURL: AS A MATTER OF FACT, SOMETHING JUST OCCURRED TO ME. THE LAST JOHN VOLK BUILDING ON ROYAL PALM WAY IS NOT PART OF

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1 IT. THAT HAD BEEN MENTIONED.

2 NO, I'M SORRY, I'M READING IT WRONG. I'M
3 SORRY, I'M READING IT WRONG.

4 MR. GUBELMANN: I THINK WHAT WE HAVE TO
5 THROW BACK AT THEM, WE ARE HAPPY TO GO ALONG
6 TODAY WITH OUR ORIGINAL PROPOSAL TO RECOMMEND
7 THE ENTIRE BUILDING FOR LANDMARKING, BUT IF THEY
8 WANT TO DESIGNATE PART OF THE BUILDING, THEY CAN
9 EITHER DESIGNATE THE ORIGINAL, GIVING US REVIEW
10 OVER THE REST OF IT, OR WE WOULD ENTERTAIN THE
11 FACADE TO BE DESIGNATED ONLY. THAT WOULD BE MY
12 RECOMMENDATION.

13 MS. GINGRAS: I THINK THEY STATED THEY ARE
14 NOT WILLING TO COMPROMISE.

15 MR. THOMAS: THEY MADE THAT QUITE CLEAR.
16 WE HAVE EITHER OR, AS I UNDERSTAND IT.

17 MS. BURDEN: I HOPE IT'S NOT LOOKED AT AS
18 OUR UNWILLINGNESS TO COMPROMISE. WE THOUGHT
19 THIS WOULD AMOUNT TO --

20 MS. GINGRAS: IT'S DIFFICULT FOR US
21 BECAUSE YOU HAVE BEEN COMMUNICATING WITH -- YOU
22 HAVE NOT BEEN COMMUNICATING WITH US. THIS IS
23 THE FIRST TIME WE HAVE HEARD YOUR PRESENTATION.

24 MS. BURDEN: WE UNDERSTOOD THE PROCEDURE
25 WOULD BE TO COMMUNICATE WITH STAFF AND ONCE WE

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1 GET A RECOMMENDATION, CERTAINLY IT'S UP TO YOU.
2 IT'S BY NO MEANS BINDING, BUT HOPEFULLY
3 COMMUNICATION WAS ACCOMPLISHED.

4 MR. RANDOLPH: FOR THE RECORD, THOUGH,
5 THAT'S WHY THE DEFERRAL IS OFFERED. AND PLEASE,
6 I THINK THE RECORD SHOULD SHOW THAT A DEFERRAL
7 IS STILL AVAILABLE, BUT I UNDERSTAND FROM THE
8 APPLICANT THAT THEY DO NOT WISH TO DO SO.

9 MS. BURDEN: WOULD THE DEFERRAL ACCOMPLISH
10 MERELY THE ISSUE OF WHETHER THIS FACADE
11 DESIGNATION WOULD BE ACCEPTED IF THE LANDMARKS
12 COMMISSION RETAINED JURISDICTION OVER THE REST
13 OF THE PROPERTY?

14 MR. RANDOLPH: NO, NO, NO. I THINK I MADE
15 A STATEMENT, BECAUSE OF STATEMENTS THAT YOU HAVE
16 PUT ON THE RECORD ABOUT YOU HAVING HAD A LETTER
17 FROM THE CHAIRMAN AND YOU HAVING UNDERSTOOD THAT
18 THE PROCESS HERE WAS TO JUST ACCEPT THE FACADE,
19 THAT YOU BE GIVEN A DEFERRAL SO YOU HAVE AN
20 OPPORTUNITY TO HAVE A FULL AND COMPLETE HEARING
21 IN REGARD TO THE WHOLE BUILDING. AND THAT IS
22 BEING OFFERED TO YOU.

23 MS. BURDEN: IF THE COMMISSION -- IF WE
24 COULD ADDRESS ANY CONCERNS OF THE COMMISSIONERS
25 IN THAT RESPECT, MAYBE WE WOULD BE WILLING TO

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1 ACCEPT THAT AND WE WOULD BE HAPPY TO ACCEPT A
2 DEFERRAL IF YOU THINK THE COMMISSIONERS WOULD BE
3 PERSUADED BY ANY OTHER INFORMATION WE COULD
4 GIVE.

5 MR. RANDOLPH: WELL, I GUESS THEY WOULDN'T
6 BE ABLE TO COMMENT ON THAT WITHOUT KNOWING WHAT
7 OTHER INFORMATION YOU WOULD BE GIVING AT A LATER
8 TIME. THEY WOULD JUST BE OFFERING YOU THAT
9 OPPORTUNITY. THEY WOULDN'T BE ABLE TO, ON THE
10 BASIS OF INFORMATION THEY HAVE NOT YET HEARD, BE
11 ABLE TO MAKE THAT DETERMINATION TODAY.

12 MS. BURDEN: WE WOULD APPRECIATE A
13 DEFERRAL IF IT'S NOT GOING TO BE FOR THE SIMPLE
14 QUESTION OF WHETHER LANDMARKS RETAINS
15 JURISDICTION OVER THE WHOLE PROPERTY. THE
16 BANK'S POSITION IS CLEAR ON THAT. BUT IF THERE
17 ARE OTHER ISSUES THAT WE COULD RAISE IN ANOTHER
18 PROCEEDING BEFORE THE COMMISSION, THEN WE WOULD
19 ACCEPT THE DEFERRAL.

20 CHAIRMAN CURL: I DON'T SEE THAT AS THE
21 ISSUE. I THINK THE ISSUE IS AT THIS POINT
22 WHETHER THE ENTIRE BUILDING BE LANDMARKED. AND
23 IF THE BANK WOULD LIKE A DEFERRAL, I THINK WE
24 COULD GIVE IT. BUT THAT WOULD BE THE ISSUE.

25 MR. RANDOLPH: THAT'S RIGHT.

1 MR. WALKER: YOUR FORMER CHAIRMAN WAS THE
2 ONE THAT MODIFIED THE ORIGINAL REQUEST, AND I
3 DON'T HAVE THE EXACT DATE AS TO WHEN WE WERE
4 NOTIFIED TO APPEAR BEFORE THAT FIRST HEARING,
5 BUT IT WAS HIS OVERTURES TO ME THAT BROUGHT US
6 TO A POINT OF TRYING TO FIND SOME SORT OF A
7 COMPROMISE. IN CORRESPONDENCE WITH HIM THROUGH
8 LATE LAST SPRING AND EARLY INTO THE SUMMER, WE
9 WERE WORKING ON SOME ALTERNATIVE OTHER THAN THE
10 COMPLETE DESIGNATION.

11 I DON'T SEE ANY REASON FOR ANY DEFERRAL
12 UNLESS I CAN UNDERSTAND THAT THERE IS SOMEONE
13 THAT REPRESENTS YOUR GROUP THAT HAS AN INTEREST
14 OTHER THAN THE COMPLETE DESIGNATION, WHICH WAS
15 THE INTEREST OF YOUR FORMER CHAIRMAN.

16 MR. RANDOLPH: I HATE TO KEEP GOING BACK
17 AND FORTH, BUT THERE HAVE BEEN STATEMENTS MADE
18 THAT COMMENTS BY THE FORMER CHAIRMAN OF WHAT WE
19 THOUGHT AN AGREEMENT WAS AND WHAT WE ARE GOING
20 FORWARD ON TODAY AND THAT SORT OF THING, AND
21 THIS GROUP HAS NOT MADE A DETERMINATION TODAY AS
22 TO WHICH WAY IT'S GOING TO GO. THERE HAVE BEEN
23 MANY COMMENTS MADE ON THE RECORD THAT THERE MAY
24 BE INTEREST IN GOING AHEAD WITH A FULL
25 DESIGNATION ON THE ENTIRE PROPERTY, AND THE

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DEFERRAL IS BEING OFFERED IN ORDER TO CORRECT ANY PROBLEMS THAT THE APPLICANT THINKS EXISTS IN REGARD TO REPRESENTATIONS THAT HAVE BEEN MADE, ALLEGED REPRESENTATIONS THAT HAVE BEEN MADE IN THE PAST, SO AS TO HAVE AN OPPORTUNITY TO TRY TO GIVE THEM -- SO AS TO GIVE THEM A FULL OPPORTUNITY TO COME BEFORE HERE AND PRESENT ANYTHING ELSE THAT THEY MAY WANT TO DO IN LIGHT OF THAT.

MR. THOMAS: YOU YOURSELF HAVE SAID THE REPRESENTATIONS ARE NONBINDING ON THIS GROUP, SO THEY ARE REALLY IRRELEVANT TO THIS DISCUSSION, AND THIS DISCUSSION BOILS DOWN TO EITHER WE RECOMMEND IT OR WE DON'T, AS I UNDERSTAND IT, FROM WHAT THEY'VE SAID. ISN'T THAT MORE OR LESS YOUR POINT OF VIEW?

MR. WALKER: UNLESS THERE IS SOME REPRESENTATIVE WITH YOUR GROUP WITH WHOM WE CAN HAVE A CONVERSATION, OR WITH STAFF, TO CLARIFY SOME OF THE ISSUES THAT I THINK ARE ON THE TABLE.

MR. THOMAS: THERE IS NO ISSUE. IT'S AN EITHER OR. I MEAN, THAT'S THE WAY YOU PHRASED IT, AS I UNDERSTAND IT.

MR. RANDOLPH: LET ME SAY, THERE HAS BEEN

1 NO DECISION MADE TODAY AND JUST AS ANY
2 INDIVIDUAL COMMISSIONER CAN BE APPROACHED PRIOR
3 TO TODAY TO TALK TO THEM ABOUT THE PROJECT, THAT
4 TYPE OF AVAILABILITY WILL EXIST BETWEEN NOW AND
5 ANY OTHER FUTURE HEARING. AND I WANT TO MAKE IT
6 CLEAR THAT THERE HAS BEEN NO DECISION MADE
7 TODAY, BUT IF A DEFERRAL IS DESIRED IN ORDER TO
8 HAVE AN OPPORTUNITY TO DISCUSS THIS WITH
9 YOURSELVES AND AN OPPORTUNITY TO DISCUSS IT WITH
10 STAFF OR COMMISSION MEMBERS PRIOR TO THE NEXT
11 HEARING AND TO EITHER PERHAPS GET MORE EXPERT
12 TESTIMONY IN REGARD TO THE APPLICATION, I THINK
13 THAT'S WHAT'S BEING OFFERED.

14 MR. THOMAS: IT WAS ALREADY REJECTED, AS I
15 UNDERSTAND IT.

16 MS. BURDEN: IN LIGHT OF I THINK A LITTLE
17 CONFUSING ISSUE HERE, WE WOULD LIKE TO ACCEPT A
18 DEFERRAL. WE WOULD LIKE TO REQUEST ONE AND HAVE
19 THE COMMISSION GIVE US A CHANCE TO CLEAR SOME OF
20 THIS UP. I THINK WE HAVE BEEN PROCEEDING ON A
21 PATH THAT WE THOUGHT WOULD REACH A CULMINATION
22 TODAY, AND I DON'T THINK IT HAS. SO WE WOULD
23 LIKE TO REQUEST A DEFERRAL TODAY.

24 MR. GUBELMANN: I HEREBY MOVE THAT THE
25 LANDMARKS' CONSIDERATION OF THE FIRST NATIONAL

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1 BANK OF PALM BEACH PROPERTY BE DEFERRED TO THE
2 NEXT MEETING OF THE LANDMARKS COMMISSION WITH
3 THE PROVISO THAT THE OWNER RECOGNIZES THAT HE OR
4 SHE IS WAIVING THEIR RIGHT BY AN ORDINANCE
5 REQUIRING THE COMMISSION TO ACT WITHIN THE 30
6 DAYS.

7 MR. MOORE: IT'S THE THIRD FRIDAY OF THE
8 MONTH OF DECEMBER. DECEMBER 21.

9 MR. GUBELMANN: SO IT WOULD BE DECEMBER --
10 IT WILL BE DEFERRED TO DECEMBER 21ST, 1990.

11 CHAIRMAN CURL: IS THERE A SECOND?

12 MR. SILVERMAN: SECOND.

13 MS. GINGRAS: WITH THE PROVISO THAT HE
14 WAIVES HIS RIGHT TO THE ORDINANCE REQUIRING 30
15 DAYS NOTIFICATION. DO YOU WAIVE THAT RIGHT,
16 SIR?

17 MR. WALKER: YES.

18 CHAIRMAN CURL: IS THERE A SECOND?

19 MS. GINGRAS: SECOND.

20 CHAIRMAN CURL: ALL THOSE IN FAVOR FOR
21 DEFERRING THIS ISSUE, SIGNIFY BY SAYING AYE.

22 (ALL SAY AYE)

23 CHAIRMAN CURL: OPPOSED?

24 OKAY.

25 MS. BURDEN: THANK YOU.

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CHAIRMAN CURL: AGAIN, I WANT TO APOLOGIZE
TO MISS BURDEN FOR MY MISUNDERSTANDING. I
REALLY AM SORRY ABOUT THAT.

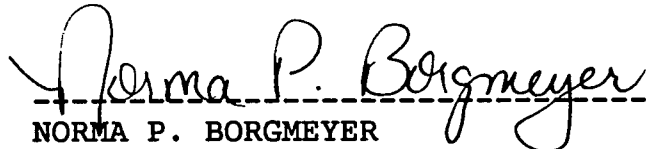
(THEREUPON, AT 10:48 O'CLOCK A.M. THE
DESIGNATION HEARING ON ITEM 1 WAS CONCLUDED)

C E R T I F I C A T E

THE STATE OF FLORIDA,)
COUNTY OF PALM BEACH.)

I, NORMA P. BORGMEYER, NOTARY PUBLIC, STATE
OF FLORIDA AT LARGE, DO CERTIFY THAT THE FOREGOING
PAGES 2 THROUGH 53 INCLUSIVE, ARE A TRUE AND CORRECT
TRANSCRIPTION OF MY SHORTHAND NOTES OF THE FOREGOING
PROCEEDINGS.

WITNESS MY HAND AND SEAL THIS 4TH DAY OF
DECEMBER 1990.



NORMA P. BORGMEYER
NOTARY PUBLIC,
STATE OF FLORIDA AT LARGE.
MY COMMISSION EXPIRES: 12-1-94

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