

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, APRIL 16, 2003 AT 9:00 A.M.

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

I **Call to Order:** Chairman Pandula called the meeting to order at 9:00 a.m.

II **Roll Call:**

PRESENT:

Eugene Pandula, Chairman
Sari Wilkey, Vice Chairman
Ann Blades, Secretary
Jack Pyms, Member
Judy Hoffman, Member
Patrick Segraves, Member
Wendy Victor, Alternate Member
William Lee Hanley Jr., Alternate Member
Rhoda Yen, Presiding Attorney for the LPC
Timothy Hanlon, Attorney for the Staff
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT:

Ann Vanneck, Member (Excused)
Richard Krock, Alternate Member (Resigned as of 4/8/03)

RECORDING SECRETARY: Cynthia M. Delp

LET THE RECORD SHOW THAT MS. DIANNA BE DILION, COURT REPORTER, WAS PRESENT TO TRANSCRIBE THE UNDESIGNATION HEARING FOR 455 NORTH COUNTY ROAD. MS. BE DILION WAS PRESENT AT THE REQUEST OF ATTORNEY RON KOLINS.

III **Approval of the Minutes of the March 19, 2003 meeting:**

MOTION BY MRS. BLADES FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:** By Mrs. Delp

V

Public Hearings:

A. Application for Certificate of Appropriateness #5-2003 (deferred from Feb. & March)

Miscellaneous new construction

Owner: Brazilian Court Inc.

Applicant: CSC Brazilian Court

Address: 301 Australian Avenue

Architect: The Lawrence Group

Project Description: Request approval of the following:

1. Remove existing two-story laundry/mechanical/office building adjacent to pool deck and construction three new two-story hotel suites
2. Construct new walk-in cooler structure, chef's office and hall at loading dock area
3. Construct outdoor storage room at loading dock area
4. Install new structural glass doors at Brazilian Avenue entrance to North courtyard.
5. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATIONS: Mr. Pandula stated that he had spoken with Richard Leja of the Lawrence Group Architects.

At the February meeting, there was a motion for deferral of the project with the request that the applicant returns with the location or permission of the town for the new A/C units, the ice machine that should be moved indoors, the new loading docks, the new two story units, and an alternate plan for access and egress to the north. At the March meeting, there was a motion to approve the rolling doors to enclose the dumpsters and the re-positioning of the air conditioning units and the lowering of the roof, and including approval of the chef's office and cooling tower; approval of the addition of the windows and enlarging the storage area at a new second floor unit of the hotel; DEFERRAL OF THE LANAI UNITS ELEVATION; AND DEFERRAL OF THE GATES TO THE APRIL MEETING, WITH THE UNDERSTANDING THAT THE LPC WOULD PREFER NO GATES WHATSOEVER.

Mr. Richard Leja announced that Item #4, above, which changed from a proposal for glass doors to a proposal for gates, and met with negative comments from the commission, has been withdrawn from the project at this time. Also, Mr. Leja had recently submitted an elevation showing some wood cladding on the awning supports at the conservatory in the south courtyard. (This elevation had not yet been seen at an LPC meeting.) This proposed change is likewise being withdrawn at this time.

Relative to the lanai units, Mr. Leja presented two new design options, subject to comments made at previous meetings. The first design option (Option #1) showed a much simpler elevation, removing many of the openings originally shown; also showing the addition of a copied pediment detail; and showing some copied windows. The alternate option (Option #2) employs french doors instead of windows. The members voiced their approval of Option #1 as it is more in keeping with the building; it is simpler and more in balance; and the addition of the pediment is a great addition.

MOTION BY MRS. WILKEY FOR APPROVAL OF OPTION #1.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. WILKEY FOR REMOVAL OF THE GATES AND THE WOOD CLADDING AT THE AWNING FROM THE REQUEST.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #6-2003 (deferred from Feb. & March) Landscape, lighting, architectural details

Owner/Applicant: The Mar-a-Lago Club

Address: 1100 South Ocean Boulevard

Architect: REG Architects

Project Description: Request approval of the following

1. As-built landscape plans
2. Lighting fixtures
3. Architectural details
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared
Please note that at the February meeting, there was a motion for deferral to the March meeting, and at the March meeting, the item was deferred to the April meeting at the applicant's request.

Mr. Frank reported that the owner has requested an additional deferral to the May meeting.

MOTION BY MRS. WILKEY FOR DEFERRAL TO THE MAY MEETING.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore introduced Attorney Rhoda Yen, of Jones Foster, who was seated as the attorney for the commission. Likewise, he introduced Attorney Timothy Hanlon, of Alley, Maass et al, who will represent the Staff today for the Undesignation Hearing for 455 North County Road. Mr. Moore also noted that since Mrs. Vanneck was absent, Mrs. Victor will vote in her stead.

C. Application for Certificate of Appropriateness #8-2003 (deferred from March) Landscape/Hardscape

Owner/Applicant: Ed Curran

Address: 230 Pendleton Avenue

Architect: James M. Towery & Associates

Efflorescence Inc., Mr. Alan Stopek

Project Description: Request approval of landscape/hardscape including:

1. New landscape design
2. Remove existing asphalt driveway and replace with "pillowed" medium grey paver stone. (The eastern portion of the driveway, as well as the driveway leading to the garage, will remain as the driveway. The western driveway space will be landscaped, and a paver pathway, to match driveway material, will be installed.)
3. New wrought iron gate opening to the western segment of the property.
4. Enlarge existing patio and surface in 2'x2' cast stone.
5. Create patio, in 2'x2' cast stone, off the kitchen.
6. Increase height of existing wall on the southern perimeter from 5' to 7'.
7. New patio and free standing water fountain and basin on southern portion of the grounds.
8. Other associated changes as presented

① CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Please note that at the March meeting, there was a motion for deferral to the April meeting, asking the applicant to return with the colors of the house, the roof, the shutters and trim, and to return with a sample of the driveway material, and an alteration to the driveway.

Mr. Alan Stopek, of Efflorescence, and ^{Architect} ~~Attorney~~ Tom Kirchhoff returned to the LPC subsequent to last month's deferral. Mr. Stopek gave a quick review of the landscape/hardscape, and stated that the design was based on a concept of unity, rhythm and circulation. Since last month, some of the hardscape has been removed, i.e., some paths, patio at the kitchen, and as such, the plan clearly meets the green space requirements. There is a water feature focal point in the south courtyard consisting of a fountain with a 6' x 8' pool. Mr. Stopek reviewed the lighting plan and stated that lighting for the project will be predominantly landscape uplighting, incandescent 50 watt fixtures. There will be some eave lighting toward the back with 50 watt fixtures also which will be very focused and targeted without any effect to the neighbors. Mr. Stopek showed a colored rendering of the front facade with associated landscape/hardscape. Likewise, he presented samples of the various hardscape materials being used at the site, i.e., grey asphalt roof shingles, acid washed cast stone at the front entry stoop, grey brick pavers for the driveway, and cast stone pavers for the patios. It was noted that the house will be grey/taupe in color.

① Mr. Kirchhoff was sworn by Mrs. Delp, and discussed the colored rendering. He also passed photos of some of the neighboring houses.

Mr. Pandula asked what has changed since the last presentation. Mr. Stopek replied that bed shapes have been altered to make the turn around area more defined. Some brick paver areas have been replaced by turf. Green space has been increased. Though Mr. Pandula did not necessarily agree with where the applicant is changing the paving material from the driveway to the approach of the house, he thought the overall project was improved since last month.

**MOTION BY MRS. WILKEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. PYMS.**

Mr. Pandula asked that it be included in the motion, that the drawings presented today had not been submitted to the Town, and must be submitted to Mrs. Delp for the file.

MOTION CARRIED UNANIMOUSLY.

D Application for Certificate of Appropriateness #10-2003, (deferred from March)
Modifications to the Venetian Ballroom

Owner/Applicant: The Breakers Palm Beach Inc.

Address: 1 South County Road

Architect: Peacock and Lewis

Project Description: Renovation of the Venetian Ballroom (**tax abatement project**) including the following:

1. Replace the seven (7) existing oceanfront windows with seven (7) new impact rated windows
2. Remove exterior shutters and sheet metal covers to the arches
3. Eliminate the center load-in/load-out doors and exterior stairs and replace them with new automatic doors and exterior stairs at two locations, the most northern and southern oceanfront windows. The stairs will have stucco finish and wrought iron railing.
4. Demolish and remove entire Venetian Ballroom ceiling. Replace with a new plaster ceiling at 22 feet and include acoustical tile in six (6) coffers at 25 feet. Add new recessed lighting, pin-spot lighting and (6) new crystal chandeliers. The ceiling will receive various types and layers of applied moldings.
5. Wall space will be treated with fabric and wood moldings above a millwork wainscot. On the floor, only the burgundy travertine marble inlays will be replaced. The original marble will be retained.
6. Remove eight (8) large chilled water air handling units and replace with six (6) new units. The Venetian Ballroom will receive new linear diffusers with hidden return air vents, a new sprinkler system and upgraded electrical systems.
7. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Please note that at the March meeting, there was a motion for approval of items 1, 2, and 3, as listed, and a motion to defer items 4, 5, 6 & 7 to the April meeting.

Architect Steve Pollio from Peacock and Lewis Architects presented this request subsequent to the deferral last month. Mr. Pollio explained that the Venetian Ballroom is the large ballroom which faces the ocean, and is located between the north and south towers. It was part of the 1969-1970 renovation of the hotel. All finishes within the ballroom will be upgraded. The existing stone floor will be kept with the intent of possibly removing and changing out the pattern that currently exists, but the complexity and type of stone remains to be decided. For the interior walls, fabric panels with extensive millwork will be installed in keeping with the same character seen in other areas of the hotel. Some pediments may be introduced over the doors, but this has not yet been firmly decided. The ceiling will be a curved coffer with a gold pattern alongside it. The existing ceiling is approximately 75% acoustical tile with four central coffers painted with a cloud mural. The existing four chandeliers will become six, and the ceiling will be changed to plaster with millwork surrounded coffers. A minimal amount of acoustical tile is incorporated into the ceiling for acoustics and access to the chandeliers for maintenance.

Mr. Alex Gilmurray, of the Breakers, stated the chandeliers will be 5' in depth and they will sit

19' above the floor. The acoustical tile to be used on the ceiling will be painted to be invisible.

Mr. Pandula reminded the members that this is the 1969/1970 addition to the hotel, and as such, it is not a restoration, but an upgrade of materials and finishes. Mr. Pandula thought the presentation today was indeed an improvement.

**MOTION BY MR. SEGRAVES FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.**

- E. Application for Certificate of Appropriateness #11-2003,
 Extension of previous approval
 Owner/Applicant: The Mar-a-Lago Club
 Address: 1100 South Ocean Boulevard
 Architect: REG Architects Inc.
 Project Description: Request approval for an extension of the approval relative to the new ballroom building, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Mr. Wes Blackman, Director of Projects, and Architect Rick Gonzalez presented this request for extension of a previous approval. Last year, approval was obtained, with the direction that Mr. Gonzalez meet with Mr. Frank and Mr. Pandula relative to changes the LPC wanted incorporated into the final design. The construction documents now reflect those changes, and Mr. Blackman stated that they will be ready in the next few days to submit for a building permit for the ballroom. Mr. Gonzalez commented that he had met with Mr. Frank and Mr. Pandula in October regarding those last changes made, specifically, an attempt to break up the repetitiveness on the south elevation with some cast stone in the middle. It was noted that the south elevation now shows some new doors which were added to meet egress code requirements and to allow for service. The north elevation remains the same. It was noted that the rooftop covered loggia, once contemplated, has been deleted due to height limitations. The footprint of the ballroom building is approximately 16,000 square feet. The landscape, landscape lighting, color of the building, and a sample of the cast stone, etc. will be submitted for LPC approval in the near future.

Mrs. Hoffman noticed that the tower element is different than the version that was originally approved. Mr. Gonzalez admitted that the tower formerly had a hip roof which was replaced by a balcony detail. He also noted that the south elevation presented is not accurate according to the most recent changes of that tower element, and that it should look like the rendering.

Mr. Pandula commented that he did not care for the extension of the tower on the north elevation. Mr. Gonzalez admitted that both the north and south elevations of the tower need to be corrected. When the corrections are made to the plans, Mr. Blackman and Mr. Gonzalez will seek approval from Staff and Mr. Pandula, as had been done previously.

**MOTION BY MRS. WILKEY FOR A TWO MONTH EXTENSION OF THE
APPROVAL FOR THE BALLROOM BUILDING.**

**MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that there was a ten minute recess at this point. The time was 9:45 a.m.

VI Undesignation Hearing:

Item 1: 455 North County Road
Owner: 455 North County Road Inc.

As stated earlier, a court reporter was present to transcribe this Undesignation Hearing. That transcription is available at the Planning, Zoning and Building Department for review.

VII Other Business:

A. 239 South County Road - Window replacement

Mr. Frank reported that a window had broken at this site due to a deterioration of the frame. It has been replaced with the same size and style window, but there is a material change from wood to aluminum, painted white. This change in materials had been reviewed by Mr. Frank and Chairman Pandula, and is brought to the LPC today for informational purposes.

VIII Adjournment:

The meeting adjourned at 3:16 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, May 21, 2003** at 9:00 a.m. in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Ann Blades

Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
Eugene Pandula	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
Elizabeth Dowdle	<u> P </u>	<u> P </u>	(Term expired 3/03)									
Sari M. Wilkey	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
Ann Vanneck	<u> P </u>	<u> P </u>	<u> P </u>	<u> E </u>	_____	_____	_____	_____	_____	_____	_____	_____
Ann Blades	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
Jack Pyms	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
Judy Hoffman	<u> P </u>	<u> E </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
	Alt.	Alt.										
Patrick Segraves	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____

ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
Wendy Victor	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
William Lee Hanley Jr.	<u> n/a </u>	<u> n/a </u>	<u> P </u>	<u> P </u>	_____	_____	_____	_____	_____	_____	_____	_____
Richard Krock	<u> n/a </u>	<u> n/a </u>	<u> E </u>	(Resigned 4/8/03)								
Mario Nievera	<u> P </u>	<u> P </u>	(Did not seek re-appointment)									

LEGEND:

P	=	Present
E	=	Excused
U	=	Unexcused
A	=	Absence Pending Classification as "excused" or "unexcused"



**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
---------	------	------	------	------	------	------	------	------	------	-------	-------	-------

Eugene Pandula	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
----------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Elizabeth Dowdle	_____	_____	(Term expired 3/03)									
------------------	-------	-------	---------------------	--	--	--	--	--	--	--	--	--

Sari M. Wilkey	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
----------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Ann Vanneck	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
-------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Ann Blades	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Jack Pyms	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
-----------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Judy Hoffman	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
--------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Patrick Segraves	Alt. _____	Alt. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
------------------	------------	------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
-------------------	------	------	------	------	------	------	------	------	------	-------	-------	-------

Wendy Victor	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
--------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

William Lee Hanley Jr.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
------------------------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

Richard Krock	_____	_____	_____	(Resigned 4/8/03)								
---------------	-------	-------	-------	-------------------	--	--	--	--	--	--	--	--

Mario Nievera	_____	_____	(Did not seek reappointment)									
---------------	-------	-------	------------------------------	--	--	--	--	--	--	--	--	--

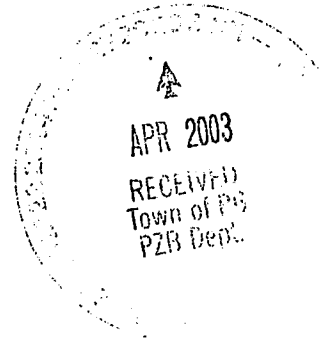
LEGEND:

V	=	One Voting Conflict during a meeting
V2	=	Two Voting Conflicts during a meeting
V3	=	Three Voting Conflicts during a meeting

VPD	=	Voting Conflict Previously Declared (This category to be used when a conflict has Been declared at a previous meeting, and the Changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINALDECLARED CONFLICT PER JCR, TOWN ATTORNEY)
-----	---	---

LANDMARK'S PRESERVATION COMMISSION MEETING

Wednesday, April 16, 2003
TOWN COUNCIL CHAMBERS
Palm Beach, Florida 33480
9:00 - 3:45 p.m.



Reported By:
Dianna BeDilion
Notary Public, State of Florida
Esquire Deposition Services
West Palm Beach Office
Phone: 800.330.6952
561.659.4155

COPY

1 APPEARANCES:

2 On Behalf Of The 455 North County Road, Inc.:
3 RONALD K. KOLINS ESQUIRE
4 GREENBERG, TRAURIG, HOFFMAN, LIPOFF,
5 ROSEN & QUENTEL
6 777 South Flagler Drive, Suite 300 East
7 West Palm Beach, Florida 33401

8 On Behalf Of The Staff of Palm Beach:
9 TIMOTHY HANLON, ESQUIRE
10 ALLEY, MAASS, ROGERS, LINDSAY, P.A.
11 321 Royal Poinciana Plaza
12 Palm Beach, Florida 33480

13 On Behalf Of The Town of Palm Beach:
14 RHONDA YEN, ESQUIRE
15 JONES, FOSTER, JOHNSTON & STUBBS, P.A.
16 505 Flagler Drive
17 West Palm Beach, Florida 33401

18 BOARD OF COMMISSIONERS:

19 MS. HOFFMAN
20 MR. PYMS
21 MS. WILKEY
22 MS. PANDULA
23 MS. BLADES
24 MS. SEGRAVE
25 MS. VICTOR
MS. HANLEY
MR. MOORE

ALSO PRESENT:

MR. FRANK
MS. DELP
MR. JOHNSON
MR. LEONARD
MR. KELLOGG
MS. MALFITANO

- - -

P R O C E E D I N G S

- - -

Town Council meeting taken before
Dianna BeDilion, Notary Public, in and for the State
of Florida at Large, in the above entitled cause.

* * * * *

MR. PANDULA: The next item on the agenda
is Item Six, Undesignation Hearing for 455 North
County Road. And I understand that everyone
would like a ten minute recess before we start
this.

MR. MOORE: You want to recess before we
start?

MR. PANDULA: That's what I've been told.

MR. MOORE: Also we need to re-swear in and
make sure we've got them all, because I know a
lot of people just showed up.

MR. PANDULA: Okay. So we're taking a ten
minute break.

(A break was taken.)

MR. PANDULA: Are we ready to reconvene?
So the next item on the agenda, Item Seven
(sic), Undesignation Hearing, Item 455 North
County Road. The owners are 455 North County

1 Road, Inc. Is there anyone in here that was not
2 sworn during our first pass?

3 THE CLERK: Do you swear or affirm that the
4 testimony that you are about to give is the
5 truth, the whole truth and nothing but the truth
6 so help you God?

7 (Affirmative response.)

8 MR. PANDULA: Have there been any ex-parte
9 communications?

10 MS. WILKEY: Yes. I met with Mr. Kolins
11 yesterday at the site.

12 MR. HANLEY: I met with Mr. Kolins also.

13 MS. VICTOR: I went to the site with
14 Ms. Day. And I also met with Mr. Kellogg, and
15 we went to another house and took photographs of
16 the site from there.

17 MR. HANLEY: I've had enumerable meetings
18 with Bill Elias who was the original -- part of
19 the original team that bought it. And I've also
20 had many conversations with the grandchildren
21 who are very good friends. I visited the site
22 probably half a dozen times over the last two or
23 three years.

24 MS. HOFFMAN: Who's grandchildren? Elias
25 or the owner?

1 MR. HANLEY: The grandchildren of
2 Mr. Munns, the Bakers.

3 MR. PANDULA: And I've also had a meeting
4 and a conversation with Mr. Kolins.

5 I think there's a little process we're
6 going to follow here for this where Mr. Kolins
7 and his team are going to make a presentation,
8 and then there will be a staff report as well,
9 and any comments from the audience, and then the
10 Commission will go into executive session and
11 debate the matter. So are we ready?

12 MR. KOLINS: May I ask a preliminary
13 question? I trust that we will have an
14 opportunity after staff and public comments to
15 address some of the issues that are raised?

16 MR. PANDULA: Until we go into executive
17 session.

18 MR. KOLINS: Are you ready?

19 MR. PANDULA: Yes, sir.

20 MR. KOLINS: Okay. Great.

21 Good morning, Mr. Chairman, Ladies and
22 Gentlemen of the Board, and members of the
23 staff. My name is Ron Kolins. I'm with
24 Greenberg Traurig Law Firm. I'm here today
25 representing Ms. Jane Malfitano, and the owner

1 of the property, which is a corporation --
2 partnership rather -- by the name of which is
3 455 North County Road, Inc.

4 I would like to tell you that Ms. Malfitano
5 is here in the audience with you together with
6 Mr. Malfitano. We have a variety of people who
7 will address you today, and I will introduce
8 them as we go along and get to the appropriate
9 point in our discussion with you.

10 I want to begin by telling you how
11 sensitive I am to the difficulty that this case
12 will present for you, because I am acutely aware
13 of the role that this Board plays in the Town of
14 Palm Beach. And I am aware of how that role is
15 perceived, although not by each one of you
16 individually but in general. This Board
17 certainly sees itself -- and I think properly
18 so -- as -- and not to be trite -- but really
19 the guardians of some of the treasures of the
20 Town of Palm Beach. That is a significant
21 responsibility. I know you don't take it
22 lightly. And so when someone comes before you,
23 as I will today, to ask you to undesignate a
24 particular property, that is both unusual and on
25 its face difficult for you.

1 I hope, nevertheless, that as you look at
2 this with an open mind and as you consider what
3 we will present to you today, you will
4 appreciate, that notwithstanding your
5 obligations, to preserve the town's treasures.
6 Indeed this is a situation which calls for and
7 indeed cries out for de-designation. And as we
8 go along, of course, we will explain the reasons
9 for that.

10 And this would not be the first time that a
11 designated property would be de-designated or
12 undesigned. As you know, there were a number
13 that came before.

14 I should also tell you that the subject
15 item will come up directly or may well be in the
16 back of your mind, anyway, not only -- as you
17 consider this case not only about the particular
18 facts that surround the structure at issue but
19 the dreaded "P" word, precedent. And if I'm
20 sitting in your shoes as I take any action, I
21 would want to consider what that will mean, as
22 you do in the future, to consider matters that
23 are put before you. And I would tell you
24 this -- and I think without fear of
25 contradiction -- that if you were to decide on

1 the record we make today that this particular
2 property should be undesignated, A, it sets no
3 legal precedent. And to the extent that there
4 is any concern about the precedent at all, it
5 would only be a political precedent.

6 What does this mean politically in the Town
7 of Palm Beach as you go forward with other
8 projects? And I would suggest to you that
9 members of this Board and the members of the
10 Town Council certainly can and should appreciate
11 that the facts of each case are different and
12 that there thus would be no political precedent
13 no matter what action you take in this case.

14 And I am going to try to show you today to
15 the best of my ability that the facts of this
16 case are indeed extraordinarily unique.

17 I dare say the likelihood of your coming
18 upon a similar set of facts in the future is so
19 remote -- you know, you never say never -- but
20 is so remote, it is to be virtually impossible.

21 I know also that the likelihood of your
22 voting to de-designate this or any other
23 property is such that you would only do it in
24 the most extraordinary circumstances. It is not
25 something you would do often or you would take

1 lightly. I assure you that the circumstances
2 that surround this case are extraordinary and
3 indeed dire, and so we are going to ask for your
4 consideration given the facts of this case to
5 undesignate the property.

6 Let me begin our discussion with touching
7 upon the history of the property just a little
8 bit. We refer to this house -- the Town often
9 refers to this house as the Munn house, because
10 for 20 years or so it was owned by the Munn
11 family. And Ms. Munn lived in it after the
12 passing of her husband.

13 The house was originally designated as a
14 landmark of the Town of Palm Beach approximately
15 in 1980, right around the time that the Munns
16 were to acquire it. And they strongly objected
17 to the designation to the point of where they
18 filed a lawsuit against the Town, when the Town
19 decided to designate the property.

20 During the course of that lawsuit, as I
21 understand it anyway, Mr. Munn passed away. And
22 with his passing so went the engine behind the
23 lawsuit and the lawsuit by one way or the
24 another disappeared. The property was
25 designated, and of course, has been designated

1 ever since.

2 Ms. Munn lived in that house for quite a
3 long time. And there is, I think, no dispute --
4 and I will get into this in a little more detail
5 later -- but there was no dispute that when this
6 house was ultimately sold to my client, the
7 house was in extraordinarily bad repair. It was
8 decayed and deteriorated, the plumbing and
9 electrical. It had just not been maintained.
10 It was just in terrible shape to start with.
11 And perhaps given its condition at that time --
12 and again with the benefit of hindsight -- it
13 would have been better to approach you for
14 de-designation and demolition then, rather than
15 undertake what has proven to be a monumental and
16 extremely costly process to do work on the
17 house. But, in any event, that was not done.

18 The property was purchased by a
19 partnership, the partnership that I represent.
20 And that partnership was made up of three
21 parties. One party was Mr. Hartcore Sylvester.
22 Bill Elias was another party and there was a
23 third party.

24 Suffice it to say that Mr. Sylvester was
25 the sole -- and I underline the word "sole" --

1 financial backer for this project. All of the
2 money that was put into this came through the
3 assets of Mr. Sylvester. But Mr. Sylvester had
4 a minority share of the partnership and did not
5 control the partnership. That perhaps
6 highlights a very important element of the
7 history of this matter and how we got to where
8 we are today. Because Mr. Sylvester, as he aged
9 became increasingly infirm, losing increasingly
10 his mental equity. And along the way -- along
11 the way he made very bad business decisions.

12 As you can tell, as we go along in this
13 presentation, I am going to disclose things to
14 you that are of a very personal nature including
15 financial matters that normally we would never
16 disclose. But they are very relevant to our
17 situation. And so hopefully with some delicacy
18 I will discuss some of these things with you.

19 The financial decisions made by
20 Mr. Sylvester were very bad as they relate to
21 this property, as well as other aspects of his
22 life for that matter.

23 But nevertheless, the partnership embarked
24 upon an effort, right, wrong or otherwise, to
25 restore, I guess would be the appropriate word,

1 or renovate the house at issue, which, of
2 course, was a landmarked property.

3 Bill Elias couldn't be with us today. But
4 he told me some things about the change -- the
5 changes that have been made to this house, and I
6 just want to go through the list that he told me
7 and put into perspective some of the changes
8 that have been made to that original structure.
9 And this, again, I am reiterating as the
10 messenger, if you will, from Bill, whom you know
11 very well and has done some very fine work in
12 this Town. He has a keen eye for some.

13 Some of the changes to the house related to
14 an addition to the southwest corner, totally new
15 entrance doorway. The east center of the house
16 was totally changed. Now as I understand it,
17 the second floor, enlargement of the living
18 room. The entire center core of the house was
19 torn down. There is exposed steel, which is
20 rusted and there is exposed wood which is
21 rusted. And he faced a house with a
22 configuration from another era: Small rooms,
23 very poor and workable layout, and that had to
24 be changed. Instead it was a Mediterranean
25 revival house in the plaintiff's order.

1 Again, at one time -- pardon me -- there
2 was a road along the ocean, but that road no
3 longer exists, and the front of the house -- the
4 front door of the house used to be on the east
5 because of that road and was then moved to the
6 north-side basement level, but it opened onto a
7 shared courtyard with the other house, which at
8 the time was okay when it was owned by another
9 member of the family, but then the front door
10 has again been relocated to the west.

11 There was no new garage. And so a new wing
12 that was started to be added would contain a
13 garage and a new first floor library. And those
14 are just some of the changes that were ongoing
15 as part of the effort do some of the work.

16 In the course of doing that work -- and
17 again, if you'll recall, all of the financing
18 for this was done. The acquisition of the
19 property in the first place, which cost
20 \$14 million, and then all of the money to work
21 on the house was paid for by Mr. Sylvester.
22 True his bank was First Union, at the time and
23 now is Wachovia.

24 Well, it turned out that there were very,
25 very serious cost overruns. The work started to

1 cost far more than anybody contemplated, in the
2 multi-millions of dollars to date. And you all
3 have seen the status of the house right now.
4 And what started to happen was the bank -- and
5 someone from the bank will talk to you
6 themselves but -- the bank started to realize,
7 hey, we've got a problem here. And
8 Mr. Sylvester has a problem here because they
9 are quickly using up the available finances that
10 was secured by Mr. Sylvester's assets and by the
11 land itself. And so they called Ms. Malfitano,
12 who is Mr. Sylvester's daughter, and advised her
13 of what was going on. Up to this point she had
14 had no role in what was going on with that house
15 and really had very little knowledge about what
16 was going on with it either physically or
17 financially.

18 Well, when she became aware of this
19 problem, she stepped into the breach, if you
20 will, and discovered the serious deterioration
21 in the health of her father. And since then
22 certain changes have been made.

23 First -- not necessarily in this order but
24 in terms of my discussion -- Ms. Malfitano was
25 named by the courts as the attorney in fact for

1 her father who has been adjudged incompetent and
2 a seriously ill man.

3 Secondly, a lawsuit was filed by
4 Mr. Sylvester and his interests against various
5 other parties. And I'm going to, if I may,
6 Mr. Chairman, introduce into the record a copy
7 of the complaint that was filed in that case.
8 And just for the record, I'll read the case
9 number which is CA 02-12913 A1. And I will give
10 this to your clerk in a moment.

11 But as a result of this lawsuit, which has
12 now been settled, the structure of the
13 partnership has been changed so that
14 Mr. Sylvester's interests now have the
15 controlling share of the partnership.

16 Ms. Malfitano put a stop to everything that
17 was being done to the house until she could get
18 a grip on what was happening and has now
19 discovered in the course of her work on that
20 over the last nine, or ten, or eleven months
21 that there is a very serious problem with the
22 house from the standpoint of what has to be
23 done, and the cost of what has to be done, and
24 the availability of money to do it.

25 And I would like you to view

1 Ms. Malfitano's role is in the nature of a
2 receiver in bankruptcy or a trustee in
3 bankruptcy. We're sort of dealing with a
4 receivership situation. We have what I can
5 euphemistically refer to as a bankrupt
6 situation, and is not an autonomous role
7 together with her partners. It is to deal with
8 the situation as best as possible, which may be
9 far less than ideal. But in any bankruptcy you
10 make the most of what you have and that's all
11 that you can do.

12 Having said that, I am going to show you in
13 a variety of ways that the only way that this
14 asset can be dealt with -- the only way is to
15 tear down the partial structure that's there.
16 The property really has no value other than the
17 value of the land, and sell it to someone who
18 will build a home. And, of course, they would
19 have to do so with the approval of either the
20 Landmark Commission, or let us say, the approval
21 of the Town.

22 There have been two interested buyers of
23 the land previously. Both of them chose not to
24 go through with the purchase because the
25 property was landmarked. They would not buy the

1 property and be saddled, if you will, with the
2 situation in which it's presently found. So we
3 find ourselves in a very difficult situation.

4 Now in that connection, there are two very
5 strong reasons. Only one of these two is
6 necessary to allow you to vote to de-designate.
7 But there are two very real and very serious
8 reasons why this petition to de-landmark should
9 be granted. One is architectural, and the other
10 is economic hardship. Both of which are
11 constituted in your code. And we're going to
12 discuss both of them with you individually, and
13 let me begin with the architectural reasons.

14 As you know -- and I certainly make no
15 bones about it -- I, personally, am not an
16 architect or an architectural expert, let alone
17 an expert in historical properties. But I don't
18 think it takes an expert or a genius to look at
19 that property and realize you've got a shell of
20 a property; a deteriorated one at that.

21 And while you can build anything to look
22 like anything -- given the will and given the
23 money -- as it sits there now, regardless of how
24 it got there -- regardless of how it got to
25 there, as it sits there now, I cannot conceive

1 of anyone thinking that that is a structure or
2 be it a landmark. And, again, if we came to you
3 here today with that structure as it sits and
4 said, "landmark," I think you'd laugh us right
5 out of the room. The question is whether you
6 should keep it landmarked or not keep it
7 landmarked. And Bill Elias gave me quote that
8 he asked me to read to you and I'm going to do
9 so. And these are his words: With the benefit
10 of hindsight, the amount of modification
11 necessary for and done to, the house wasn't
12 worth it. And while finished it would be a nice
13 house, it would not be a house that should be
14 landmarked or could meet the landmarking
15 criteria.

16 I suggest to you that it cannot meet the
17 landmarking criteria and that is, under your
18 code, a basis for de-designation.

19 Now having said that, I would like to
20 introduce to you Professor Ralph Johnson, who is
21 an expert in the matter of historical
22 preservation and architecture. And in
23 introducing him -- you all have a copy of his
24 report, I'm sure, because we had to provide the
25 Town with a bunch of copies both very recent,

1 giving each of you one. So you all have that
2 and attached to that report is his resume and a
3 sample of the few articles that he wrote.

4 I'm not going to go over that entire resume
5 with you. It would take far, far too long. But
6 I think if you were to glance at it yourself,
7 you would realize that this is a man of
8 distinction and a man of experience in this
9 field. And I would just like to read into the
10 record the introduction to his resume. You all
11 have a copy.

12 It says as follows: Ralph Johnson is a
13 Professor of Architecture and a director of a
14 newly created Center for the Conservation of
15 Architectural and Cultural Heritage in The
16 School of Architecture at Florida Atlantic
17 University. The School of Architecture offers a
18 unique opportunity to fuse the education of
19 design with that of historical and cultural
20 landscapes.

21 He is a longstanding participant in the
22 field of historic preservation as an educator,
23 advocate and consultant. Last year
24 Professor Johnson completed several terms,
25 almost seven years, as a member of the Board of

1 Trustees, Florida Trust for Historic
2 Preservation. He was formerly President of the
3 Miami-Dade County Historic Preservation Board,
4 and also a member of the Board of directors,
5 Dade Heritage Trust in Miami.

6 While at the University of Florida as the
7 Assistant Dean at the College of Architecture,
8 he was the Director of the Research and
9 Education Center for Historic Preservation, and
10 served as the liaison for the colleges, other
11 preservation programs, including the
12 Preservation Institute in Nantucket and The
13 Preservation Institute Caribbean.

14 He studied architectural conservation at
15 ICROM in Rome, and has conducted research in
16 historic preservation at sites throughout the
17 Greater Caribbean such as Florida, Cuba, the
18 Bahamas, the Dominican Republic, Costa Rica, and
19 Mexico.

20 Mr. Chairman, I would like your permission
21 to introduce into the record the -- Professor
22 Johnson's report and his resume, and to --
23 Professor Johnson has been engaged by us to
24 review this property and give you his views
25 vis-a-vis, the landmark quality of the

1 structure. He has visited the site and done an
2 analysis, prepared this report and is going to
3 address you now. And it is my pleasure to
4 introduce to you Professor Ralph Johnson.

5 MR. PANDULA: One moment, please.

6 Mr. Moore?

7 MR. MOORE: Mr. Chairman, three things, if
8 I might. Certainly the staff and the Town would
9 stipulate that Professor Johnson is an expert
10 and we would hope that we would not -- and
11 Mr. Kolins would do the same for Ms. Day when
12 it's time for her to put on her presentation in
13 the interest of time.

14 Secondly, I would for the record, like to
15 object to the testimony that Mr. Kolins offered
16 as hearsay testimony from Mr. Elias. Mr Elias,
17 to my knowledge, is not an expert. We would not
18 so acknowledge him in the same status as
19 Professor Johnson.

20 So for the record, I'm not asking you to
21 kick out his testimony. But for the record, I
22 would want that objection noted.

23 MR. KOLINS: Let me respond for one second.
24 I don't want to get into a he-said, she-said
25 type of hearing. I did not offer Mr. Elias as

1 an expert. Not that he isn't necessarily, but
2 he's not here. But I just thought you would be
3 interested since he has been a central part of
4 this and came before you for Certificate of
5 Appropriateness on the house in the first place,
6 and is the one most familiar with the house of
7 anybody, that you would be interested in his
8 comments, and I offer them for your
9 consideration. Thank you. Are we ready for
10 Professor Johnson now, Mr. Chairman?

11 MR. PANDULA: Yes, sir.

12 MR. JOHNSON: Good morning, Mr. Chairman,
13 members of the Board.

14 My name is Ralph Johnson, and I'm a
15 Professor of Architecture at Florida Atlantic
16 University at the School of Architecture.

17 This morning I'm here to give you a little
18 history myself, and Mr. Kolins has given you
19 quite a bit of what I'm about and I would just
20 like to add on to that with this presentation.

21 As you know, I've served on several
22 preservation boards, so I really do appreciate
23 your concern and your consideration.

24 The way I'd like to present this
25 presentation to you -- we want to give you a

1 power point presentation. I'm going to approach
2 it as though I were presenting to you a project
3 for designation.

4 In that light, I would like to sort of look
5 at the criteria at which point one might
6 designate the property.

7 We can begin with, at least, this picture
8 here. And if we could lower the lights, it
9 would be appreciated so we can see the various
10 views. Images, please.

11 In this process, I have visited the site
12 several times. I perused the site in itself. I
13 wanted to see exactly how this property came to
14 be. How it came to be designated. But also
15 most importantly, I wanted to become the
16 designer, itself, so that I could really see it
17 through his eyes, Addison Mizner.

18 One of things that I have done, too, in the
19 past, sort of following Mr. Mizner's thought, if
20 you will, I've taught for several years in
21 Spain. And I believe Mr. Mizner spent some time
22 there. While there I taught, actually, the
23 history of Spanish architecture. So I can
24 appreciate some of the characteristics and some
25 of the features and some of the nuances of the

1 Spanish tradition. And I can say that -- and
2 mention, at least, as Old World. I think we can
3 even interpret that as Mediterranean revival.

4 So I've taken on this role as Mr. Mizner.
5 I looked at the materials in which he was really
6 fascinated with, clay barrel tile roofs. And so
7 he also understood how these were actually made,
8 handmade. So each one of them was actually a
9 different piece.

10 He was very much interested and excited
11 about wood and wooden -- the use of wood in the
12 interiors. And if you look at this image here,
13 the line you see there is really quite a bit of
14 Old World tradition, and you can find it
15 throughout most of Mr. Mizner's works.

16 If you notice right here, this is a -- this
17 is a picture of the entrance of the loggia. And
18 I would surmise that perhaps Mr. Mizner might
19 have seen a building very similar to this one.
20 In fact, there is a replica of it in
21 Santo Domingo. It was Christopher Columbus'
22 house. And it was designed on that same model.
23 I saw many of these features there; the entrance
24 into the loggia.

25 And if you notice on to the right side

1 there -- there we have a sole set of doorways
2 here, very much in the Spanish tradition. If
3 you notice here the ceiling, very much in the
4 Spanish tradition. And they are usually very
5 decorative, very much so. But, of course, in
6 this one what we professionally call Amado,
7 wasn't very much of that kind of decoration,
8 heavy decoration. But in this case here we do
9 see many of those characteristics. We see it in
10 much of the furniture here. We see this is very
11 real, very Spanish. This is a replica of many
12 of the Spanish ships. And, of course, the fan
13 windows.

14 But moving from there, because I want to
15 talk more about the criteria, so you can
16 remember this image and we talk a little bit
17 about it.

18 This is general information of this
19 building; this design was built in 1919. This
20 is the location of the property along the
21 Atlantic Coast. The building sits more to the
22 East along the coastline.

23 But these are the characteristics and
24 criteria. Now, one of the things in
25 preservation, as you all know, many of these

ordinances are pretty much based in a way on the Secretary of Interiors; the standards for preservation. They usually follow the same sequence. One exemplifies or reflects the broad, cultural, political, or economic, or social history of the nation, state, county, or Town. It's identified with historic preservationists or persons, or with important events in national, state or local history; embodies distinguishing characteristics of an architectural type or is specifically inherently valuable for the study of a period, style or method of construction or use of indigenous materials or craftsmanship; is representative of the noble work of a master builder, designer, or architect who's individual ability has been recognized or influenced his age. And that's what we have here before us.

I come to you today to say that the property has lost all semblance of this architectural integrity. And integrity is the key word here. As an Addison Mizner design and in its existing state no longer represents the criteria for designation as a local landmark.

We come back to criteria one. We go back

1 to the original designation -- and this is one
2 of the criteria for which it was designated
3 originally. We find now that the building no
4 longer exemplifies the grand estates built in
5 the Town of Palm Beach in that era. It no
6 longer exhibits those numerous features, the
7 Mizner inventions. And Mizner was an inventor.
8 All of the materials; all of the interiors; all
9 of the things that made this Mediterranean
10 revival made this Palm Beach.

11 The character calls for a climate of the
12 period which made his designs unique. The large
13 entrance hall would accommodate the guests with
14 dance parties hosted by the owner has been lost.
15 The Spanish interior features that enhance the
16 Old World charm of Amado is synonymous with
17 luxury, influence is lost. That was one
18 criteria.

19 The third. The building no longer embodies
20 characteristics of Mediterranean revival style
21 typical of Mizner. Now these are key elements.
22 They were always found and were particularly
23 found here; the red barrel tile roof, the
24 entrance loggia and stairway; the stucco walls
25 and masonry, unique Old World Spanish interior

1 treatment, such as the cast stone monuments; the
2 decorative ironworks such as the balcony
3 brackets and railings; the heavy wooden beams
4 and decorative eaves; or the wood fan windows and
5 doors with their ballister light rise have been
6 stripped on the building rendering it barren and
7 devoid of its context. The shell is all that
8 remains of the original building.

9 Now, these are key characteristics. These
10 are the things that when one looks at a Mizner
11 building, this are the things that one
12 anticipates seeing, because it's Mizner.

13 Those doors that I showed you. Those
14 beautiful wooden doors with the rise of the
15 ballister inlays, these are typical of many of
16 the houses and interiors in Mizner designs.

17 And the fourth criteria, the building no
18 longer represents the Amado originally designed
19 by Addison Mizner. It has lost its historic
20 integrity through non-compatible additions, and
21 removal of those elements and qualities unique
22 to Mizner's designs.

23 Mizner was a master of balancing masses of
24 different sizes and types. The Amado that was
25 created by Mizner, the composition of masses he

1 created have been compromised by new additions,
2 non-compatible additions. Mizner was an
3 inventor, bricklayer, a mason, a painter, a
4 carpenter, a plasterer, and most of all an
5 adventurer. Only the best examples should
6 remain that documents his true legacy. Only the
7 best.

8 If I were to look at this building today, I
9 would say that this does not represent the best
10 of Mizner. In fact, it would be hard to even
11 say that it was. Of course, the arch window
12 still exists, the arch openings. But all of the
13 original windows, all of the original doors, all
14 of those things that one could really identify
15 with Mizner are no longer there.

16 When we think about preservation, we are
17 talking about preserving a historic character
18 and only the buildings and the sites that
19 consist of and maintain the historic integrity
20 in which we expect, that's what we are here to
21 preserve. We can't preserve things that are
22 not. And only the best -- and that's for
23 Mizner's sake -- only the best should be his.

24 Here are the impacts of some of the
25 additions. New additions such as exterior

1 alterations. This is the west facade. And
2 everything that you see there is new. We have
3 seriously altered this building. It no longer
4 has the original facade. This is a
5 new addition.

6 This new construction should not destroy
7 the structure, materials, features and special
8 relationships that characterize the property.
9 This is directly from the Secretary of the
10 Interior.

11 This is the southwest wing. It affects the
12 historic integrity of the building. It creates
13 a whole new west facade and it extends the
14 footprint -- the original footprint of the
15 building.

16 The original main entrance hall here that
17 you see -- this albeit early on -- this now is
18 presented as a new entrance and on the west side
19 is the new additions. All you see there is new
20 construction. The Old World charm -- the Old
21 World charm demonstrated in Addison Mizner's
22 designs is influenced by the Spanish tradition
23 is lost. The building no longer exists with the
24 distinctive exterior and interior features
25 characteristic of the cultural climate of the

1 period. Its historic integrity has been lost.

2 Here we see newly formed images of the new
3 west addition, new additions for a new foyer to
4 the west facade. The unique method of
5 construction and materials has been lost. And
6 if you look here, we can see some of the earlier
7 materials; the Terra Cotta tile that was used by
8 Mizner, this kind. This is all new. This whole
9 entrance is new. This was probably the entrance
10 and stairway of the loggia, and that's now
11 destroyed.

12 Here we see the north elevation. Little
13 remains that exhibits the craftsmanship of this
14 era.

15 Many of you visited the site and you went
16 inside, you would notice this is the only
17 semblance remaining of what Addison Mizner might
18 have included in his interiors. It's the only
19 thing. The building is devoid of any
20 recognizable historical architectural style.

21 The roof over most of the building has also
22 been removed and all of the original windows and
23 doors have also been removed. These elements
24 are important to the ordinance and standards
25 because they relate both to the interior and

1 exterior features of the room, as well as
2 characteristic of the design.

3 So we talk about -- that's why it's so
4 important that you are presented with -- or the
5 Commission is presented with -- new windows. We
6 have to consider how severely are we -- are we
7 destroying the integrity of the historic
8 character of the building. We have to recognize
9 that.

10 If you look at this one. This is the west
11 facade -- the east facade. Sorry. And we see
12 here, the entire roof has been removed. We see
13 here another addition that extends the footprint
14 of the original loggia. Lost is the original
15 surface and material and openings comprise
16 historic architectural integrity. Mizner
17 utilized stucco, utilized a heavy textured
18 stucco.

19 When we look at this building, this facade
20 is probably the only one that has any semblance
21 of that facade or that kind of material. And
22 even that is very sparse in its nature.

23 Casa Amado. Here we see a picture of the
24 original building. The property no longer meets
25 any of the required criteria for continuing the

1 designation as a landmark.

2 As preservationist, I am very concerned
3 about the historic monuments and sites and their
4 integrity. I've had to be in your position many
5 times to approve those that I found successful.
6 I have had the difficult choice to turn down
7 those that were not. For several years as a
8 member of the Florida Trust, Board of Trustees
9 for the Florida Trust for Self Preservation, it
10 was my role to -- I was in charge of the awards
11 program. Every year projects like this were
12 submitted for an award. It was my role then to
13 determine those that were the best and those
14 that were not, were not selected.

15 So I think, then, that we have a very
16 difficult task. But I think that, one, we have
17 to consider that word, again, "integrity." My
18 integrity is on the line here as well. So I'm
19 not speaking to you in a sense of, you know,
20 frivolous moment. It's very important for me to
21 share with you my views on what I feel is
22 important and significant and historical.

23 Thank you.

24 MR. KOLINS: Thank you very much,
25 Professor. I appreciate your coming. I

1 certainly wouldn't attempt to follow that
2 discussing anything about architecture --

3 MR. MOORE: Excuse me. Just one moment,
4 Mr. Kolins.

5 Mr. Chairman, you may ask questions of the
6 expert witness. It would be our suggestion that
7 you start on one end and then go to the other to
8 see if there are any questions.

9 MR. PANDULA: Do we have to do that
10 individually or after Mr. Kolins is finished
11 with his presentation?

12 MR. MOORE: No. No. I would do it right
13 now.

14 MR. PANDULA: Good. Does anyone have any
15 comments or questions?

16 MS. VICTOR: Sure. For the -- Professor,
17 thank you very much. Actually I have four items
18 that I noted as you were talking. And they all
19 fall under the umbrella of feeling that you're
20 giving us the general architectural summation of
21 Mizner's work and perhaps not particularly
22 focusing on this early Mizner, which is really
23 quite exceptional. It's 1919. It's the
24 beginning of his work. And in many of the books
25 Casa Amado is noted for the simplicity of its

1 design, and relationship of masses. I think
2 that, that's going to help us as we go forward
3 to making a decision.

4 In your first slide, you showed us the
5 entrance loggia and talked about decorative
6 ceilings and all the wood details that I would
7 say is not what this house was noted for.

8 A second point, again, very similar, you
9 talked about typical details of Mizner designs.
10 Again, this house is stand alone. It does not
11 need those decorative designs for us to feel it
12 meets the criteria.

13 The third point is that you talked about
14 Mizner being an adventurer and that this does
15 not represent the best of Mizner. I would argue
16 that this is Mizner's classic period. There
17 were only three houses built in Palm Beach at
18 that time. The Stotesbury's was demolished.
19 The two remaining are on one -- two pieces of
20 land that talk to each other. And one of my
21 points later is going to be that by destroying
22 this landmark, you also seriously jeopardize the
23 Gurnee house next door.

24 And my final point, you showed us the north
25 elevation and said, little remains of the

1 craftsmanship of the era and is devoid of any
2 architectural style. And once more, I think
3 that's the same point. Thank you.

4 MR. SEGRAVE: My comments -- a couple of
5 things.

6 One is, I was not a member of the Landmark
7 Commission when this came forward to have the
8 renovations done to it. But as Mr. Johnson
9 talked about, that the house has had a lot
10 removed. My question is maybe to the staff --
11 and I don't know if it's appropriate or not --
12 but when it was approved to what's been done to
13 it, I assume all this was taken into
14 consideration before it was removed. All the
15 roof has been taken off and substantially
16 remodeled. And this seems to me that we're just
17 kind of in the middle of what was approved at
18 this point.

19 MR. MOORE: That is essentially correct.

20 MR. SEGRAVE: Okay. So as Mr. Johnson
21 said, we've lost a lot of the stuff. But the
22 windows and things, of course, they do rot and
23 need to be replaced or whatever. So I just want
24 to go on and say, it seems to me, again, that
25 we're just in the middle of what was approved.

1 That's it.

2 MS. BLADES: No comment at this time.

3 MR. PANDULA: Sir, go ahead and respond as
4 you need to.

5 MR. JOHNSON: Let me just make one
6 observation. As I stated earlier on, I did
7 extensive research, and I looked at every piece
8 of paper in this file. And one of things that
9 was in this file was the original Master of Site
10 File Application. And that is the one that we,
11 in this field, sort of rely on because that is
12 the original survey of the property. And so
13 when we think about preserving a property,
14 that's one of the first places we go back to
15 look at that. So everything that I have shown
16 you and talked about, you know, was a part of
17 this building. It's not that everything that
18 I'm saying about Mizner was not appropriate
19 here. In fact, it is.

20 These are comments and these are
21 characteristics that were on the original survey
22 in the Florida Master of Site File.

23 Now, the comment about, I guess, the
24 additions and things that were made over a
25 period of time, this is very, very -- this is

1 very significant here. Especially for people
2 like us who sit on these commissions. We have
3 to be very, very careful about the things that
4 we allow done to historic properties. It's very
5 important. Because if we are not careful, then
6 we'll find ourselves, like today, looking at
7 what has been done maybe by past boards. That's
8 a very difficult position to be in. So we have
9 to be very diligent about this.

10 MS. WILKEY: I think one of things that
11 Mizner did very well was to position the
12 property; to position the building on the
13 property. That, of course, is still in the same
14 position. Also his basic design which still
15 remains, that's still a viable point on this
16 property. And, I guess, you probably do know
17 that in restoration, we do allow additions. And
18 changing the entrance to the west was one of the
19 permissions or approvals that we gave to the
20 builder of this property. So in my opinion, the
21 roof can be replaced. The mass is still there.
22 The position is still there. So I think that we
23 have only cosmetics which can be replaced.

24 MR. JOHNSON: The most glaring addition is,
25 in fact, the west side.

1 Now, one might say that this is an
2 insignificant elevation or facade. But as an
3 expert of Mizner with certain experience -- and
4 I would consider that if I were in your
5 position -- Mizner's buildings or design was to
6 be seen from all sides. There were no sides
7 that were insignificant. So when we do things
8 like change one, significantly, which also
9 changes the interior and how the interior
10 actually works for a Mizner design is very
11 significant. It's very serious.

12 So when I look and I approach this
13 property, I approach it and look at it. Most of
14 the Mizner designs have been well documented,
15 and you'll notice this. Mizner was a master at
16 these styles and mixing. And in every facade,
17 therefore, was an opportunity for him to
18 actually design and take the opportunity -- to
19 take advantage of the site.

20 There was, of course, the ocean. Then
21 there were the gardens. And then there were
22 others within the context of which this building
23 is. There was a building next door.

24 So Mizner was a genius. So when we think
25 about what we do to a property, one, do we

1 really want to preserve it because we have to be
2 very diligent about what we add to it, and what
3 we do to it, and the changes that we make.

4 MS. WILKEY: In connection with interior
5 spaces, the interior spaces can be changed in
6 any of the landmark properties if one is not
7 asking for a tax rebate. And I believe that was
8 the basis on which we granted the change for the
9 interior spaces. As for the west entrance, it's
10 an addition and it can be put on any historic
11 house as long as we know that it's an addition
12 and it differs slightly from the original
13 structure.

14 MR. JOHNSON: For the last comment, of
15 course, is true. When one does add to a
16 historic property, and particularly one that is
17 so impressive as the Mizner one, in
18 understanding, as I said, every side of this
19 building was significant, then normally one
20 would actually do this completely different. It
21 should not be exactly like or try to replicate.
22 And this one does. It tried. It tried. But
23 it's not successful. And certainly wouldn't be
24 allowed with real preservation activity and
25 restoration.

1 Also the interior as well. I mean, Mizner,
2 as I say, was a genius at this. We talk about
3 these masses. And we talk about all these
4 different heights and everything; all of that
5 was designed for the purpose of living in those
6 spaces. If you change a Mizner design so
7 significantly as this has been done, you have
8 really destroyed the way Mizner built this house
9 to be lived in whether preserving a Mizner
10 design, a Ralph Johnson design or a Mizner
11 design (sic).

12 MS. WILKEY: But once, again, the interior
13 space is not what we are preserving. What we're
14 preserving is the position on the property, the
15 exterior of the property. And in any landmark
16 building, the owner is allowed to renovate the
17 interior to make it meet modern-day standards
18 which is what we have approved for the builder
19 to do in this case.

20 MR. JOHNSON: If you visit the site and the
21 building, you will notice that there are then
22 such significant changes to the interiors that
23 it no longer represents a Mizner design in any
24 form or fashion. The footprint has been altered
25 with this new addition. The interior spaces

1 have been altered in terms of their circulation
2 and how Mizner designed one to move through the
3 buildings and enjoy and the views have all been
4 changed.

5 MR. PYMS: I have one question or point of
6 information to make to Mr. Johnson or whomever
7 might have the answer, and that is: Was this
8 property landmarked before or after the major
9 additional changes to the property?

10 MR. MOORE: Before.

11 MR. PYMS: Thank you.

12 MS. HOFFMAN: With the emphasis on this
13 western facade. The one reason the entrance was
14 switched over to the west side is because there
15 was no longer a road. This house was originally
16 designed by Mizner with the road along the
17 ocean. That was a change that they had to deal
18 with.

19 MR. JOHNSON: Yes. There is no longer is a
20 road, the original road (sic). But, again, this
21 is a Mizner design. And when -- at least in all
22 the examples and the -- of works of restoration,
23 preservation, the designer, new architect, has
24 to take those things into consideration. How
25 this building worked, and to do the kinds of

1 things that would still keep this building in
2 the state -- and when I say "state" -- that it
3 originally was intended.

4 Now, of course, there has to be new things
5 done if there is no longer a road and you have
6 to enter from another way. But this is where
7 the genius of an architect comes into place.
8 Because if I was the architect and came before
9 you, this Board, I would not have done these
10 things to it. And then you would then -- it
11 would have been easier for you to accept them,
12 maybe. But they were done and they were
13 accepted. And they were not compatible.

14 MS. HOFFMAN: Are you questioning the
15 architect of this project?

16 MR. JOHNSON: I'm questioning anyone who is
17 responsible for this, and that's all that I'm
18 here to do is to say what I see. And that is
19 this building has lost the Mizner touch, if you
20 will.

21 MR. PANDULA: My attorney.

22 First, I just want to comment, I guess.
23 It's a little disengenuous, I think to quote
24 from Mr. Elias, who is not here for us to speak
25 to. Particularly in light of the fact that many

1 of these decisions were made specifically
2 towards accommodating just the things that you
3 are here for today.

4 So, I think, it's insulting to have that
5 thrown back into our face having given you
6 exactly what you asked for and then some, and
7 now make it seem that it's our fault for
8 continuing the history of this Commission and
9 Town as being one that worked for hard at
10 allowing these buildings to continue their use
11 as opposed to practicing the strict philosophy
12 you are talking about.

13 MR. KOLINS: Mr. Chairman, let me make
14 something very clear here for the record. I
15 regret you used the word "insult." Certainly
16 nobody is trying to or would ever insult you or
17 this Board. And if what you mean by the word
18 "insulting" in this context is a -- I think you
19 said, blaming you for this. That's not true.
20 Let's not have this taken in the wrong spirit.

21 I offered you Mr. Elias' thought. That's
22 something you can give weight to or not give
23 weight to. I thought you should know it since
24 he couldn't be here and because he played such a
25 role in all this.

1 However, I would like to respond to you.
2 Really your question about saying that it's your
3 fault, we're not saying it's your fault at all.
4 But in this connection, I think, I can respond
5 to a number collectively of the comments that
6 have been made here. Because as I'm listening
7 to this as a layperson, the light bulb went off
8 in my head. It doesn't mean that there is a lot
9 of light in there, but something came to my mind
10 that -- if I could share with you.

11 Ms. Wilkey, for example, pointed out that
12 often times as a landmark house it can have it's
13 interior spaces changed and someone else pointed
14 out they changed the windows. They get rotted
15 or the windows get changed and that's true. And
16 sometimes roofs go bad and have to be replaced.
17 And that's true. And sometimes the
18 justification for changing an elevation is
19 because, as Ms. Hoffman pointed out, the road
20 changes position. The problem here is not with
21 any one of those things which you've dealt with
22 historically over many times probably. It is
23 all of them at one time.

24 And I don't think anyone realized. I
25 know -- and I wasn't involved at the time -- but

1 I know our side of the equation here did not
2 realize how big a bite this was and how hard it
3 would be to do all of this. And I suspect that
4 those of you that may have served on this Board
5 at the time -- and it wasn't all of you, but
6 presumably some of you may not have appreciated
7 it either that any one or two of these changes
8 might well have been worthwhile. When you have
9 so many at once, you really are -- and I'm at
10 the point of Professor Johnson's presentation --
11 you really have now changed the character of
12 this house in such a way that it no longer is
13 something worth landmarking. That is not a
14 question of fault. And it is not a question of
15 blame to anyone; you, us, anybody that would
16 make an error of lack of foresight. And I think
17 that's maybe what happened. So no matter what
18 you think about this project, no matter what you
19 do, please, don't interpret anything said here
20 as either pointing the finger at people. That's
21 the last thing we would do. Believe me, that's
22 not the game plan; nor is any intended slight or
23 insult, because clearly that is not the case.

24 But I do think, though, that one thinks
25 about it, and Ms. Wilkey really helped put a

1 finger on it. It's not that any of these things
2 done to this house in and of themselves are so
3 bad. It's the collectivity of everything that
4 has undermined this house.

5 Even Ms. Victor pointed out -- and I would
6 certainly challenge because I wouldn't know --
7 but that this represents the style of Mizner
8 architecture at an early age that was kind of
9 simple in nature -- if I could use that word --
10 and that may well be true. But now with these
11 changes to it, it even loses that simplicity
12 maybe not predicted. But it's happened. So
13 anyway, so much for the moment. One last thing,
14 and, of course, and that was --

15 MS. VICTOR: Mr. Kolins, can Mr. Pandula
16 finish and then we could have go at you?

17 MR. KOLINS: Certainly Mr. Pandula can
18 finish. Sure. And then have a go at me.

19 MR. PANDULA: I just want to ask the
20 Professor a few questions.

21 Professor, are you an architect?

22 MR. JOHNSON: No.

23 MR. PANDULA: So you've never been an
24 architect of record on a project of this scope
25 or semblance?

1 MR. JOHNSON: No.

2 MR. PANDULA: So would you know, for
3 example, how much of an existing wall might need
4 to be removed to scrap the roof system down to a
5 foundation?

6 MR. JOHNSON: Yes.

7 MR. PANDULA: How much would that be?

8 MR. JOHNSON: Without calculations, I can't
9 answer that at the moment. But by observation I
10 can tell you that if there is a need for that,
11 it certainly would be obvious.

12 MR. PANDULA: If there is a need for that?

13 MR. JOHNSON: Yes.

14 MR. PANDULA: Was there a need for it in
15 this project?

16 MR. JOHNSON: In this case, the changes
17 that were allowed, probably so.

18 MR. PANDULA: Okay. So --

19 MR. JOHNSON: The changes that were
20 approved, probably so.

21 MR. PANDULA: So given the necessity to
22 meet building codes that are in affect today,
23 that were not in 1919, hurricane codes, coastal
24 construction and the rest of this stuff, how
25 would you go about doing that? Are you

1 suggesting that you would do that one at a time?
2 Would it make a difference if you replaced one
3 window at a time, or ten at a time, or all one
4 hundred?

5 MR. JOHNSON: Well, if there is a need to
6 replace them and they had to be replaced, and
7 that would come before you, the Commission, then
8 I would come with the understanding and
9 knowledge of knowing what the original windows
10 and doors were and I would represent those to
11 you.

12 MR. PANDULA: That's not my question. My
13 question is: It seems like we're -- to a
14 certain extent the conversation now is one of
15 process versus product. In my experience --
16 because I've done a few of these -- this
17 building is no different than most, if not all
18 buildings built in the '20s that are now being
19 renovated.

20 So there was a presentation made. There
21 was an approval. There was a building permit
22 issued, and I would guess there are any number
23 of inspections that have been approved by the
24 Town's Building Department. I'm sure they've
25 got green stickers given where they are at. So

1 given that we are somewhere between starting the
2 project and finishing it, why would you say now
3 that it has lost its integrity if it's not
4 finished?

5 MR. JOHNSON: It's not just that it's not
6 finished. It's that what has been approved to
7 be done and showing at least enough to know,
8 from my observation, that's where I have to say
9 it has, in fact, lost historical integrity.

10 MR. PANDULA: So we have two lines of
11 thought now. So it does go back to what Mr.
12 Kolins said. You are questioning our judgment
13 in approving the project, and you are saying
14 that so much of it has been removed also. So
15 you've said that we've got a philosophical error
16 and we have a physical condition which you are
17 saying that because you are in the processing of
18 what was approved is now unacceptable. So maybe
19 we should talk about both of those separately.

20 MR. JOHNSON: Let's stay with the fact that
21 this building in its present condition is no
22 longer representative of a Mizner design.

23 MR. PANDULA: I would say to you that any
24 project that is of this scope and of this stage
25 loses it's integrity to a certain extent.

1 MR. JOHNSON: Then that's exactly what I
2 have said to you, is that this building has lost
3 its historic integrity. So, therefore --

4 MR. PANDULA: Is the solution to not
5 renovate projects?

6 MR. JOHNSON: That's not what I am saying.
7 I'm saying that this building given the state
8 that it is in today, based upon facts, and of
9 course, what was approved has caused this
10 building to lose its architectural historic
11 integrity. That's my opinion.

12 MR. MOORE: Mr. Chairman, I have just one
13 question for clarification to the building
14 permit issue.

15 Professor, in your finding and conclusions
16 that you've given us and the questions keep
17 moving this way: Did you predicate those upon
18 the current condition of the house for the
19 approved plans for the restoration and additions
20 and remolding of the house?

21 MR. JOHNSON: I don't understand.

22 MR. MOORE: Your conclusion that it has
23 lost its integrity, which is what your
24 presentation was, was that conclusion predicated
25 upon the current condition of the house or

1 alternatively was it conditioned upon the review
2 of the approved building permit plans for the
3 restoration and renovation and additions of the
4 house?

5 MR. JOHNSON: No.

6 MR. MOORE: And you're saying you did
7 review the permitted set of plans?

8 MR. JOHNSON: Yes.

9 MR. MOORE: And it seems that you find that
10 both of those are invalid. So you are
11 questioning --

12 MR. JOHNSON: Yes.

13 MR. MOORE: That's the answer. Next
14 question.

15 MS. WILKEY: Professor Johnson, have you by
16 chance seen a property on South Ocean Boulevard
17 that belongs to Jim Clark?

18 MR. JOHNSON: No.

19 MS. WILKEY: Okay. That is a very big
20 piece of property. Probably second to
21 Mar-A-Lago if not equal to Mar-A-Lago. The
22 gentlemen that undertook to restore that house,
23 they ran into problem after problem. Had you
24 seen that house two months ago, you would have
25 said exactly the same thing about that property

1 that you are saying today, because it was a
2 shell. The shell had to be put back together,
3 and they have done a fabulous job. You would
4 not question it today. But you would have
5 questioned that piece of property two months
6 ago.

7 MR. JOHNSON: I might have because --

8 MS. WILKEY: The point is, we have to
9 finish this piece of property. Then you can
10 attack the integrity but not before. Because
11 the only change is to the west entrance. And
12 the west entrance can be changed as long as we
13 know it's different. The east facade was
14 changed before the landmarking.

15 MR. JOHNSON: Every addition -- everything
16 that has been done to this building so far --
17 there has been enough visible for me, at least,
18 to recognize the difference. When I see a
19 presentation that has been made, I see that the
20 changes and condition -- when I say "condition,"
21 meaning the changes as they appear have
22 destroyed this architectural integrity.

23 MS. WILKEY: I guess with such a big
24 difference of opinion that maybe we should go
25 on.

1 MR. PANDULA: I'm not quite ready. I want
2 to make this really clear, because I think, you
3 know -- we cannot only get to a philosophical
4 difference with you, then, in a minute about
5 what was approved, but I also -- in an answer,
6 how would you, then, undertake such a project
7 with such a scope without taking a sufficient
8 amount of fabric of the building away to
9 accomplish it? Are you suggesting that one
10 window at a time be replaced or ten square feet
11 of roof as opposed to the whole roof or one roof
12 truss at a time? I mean, at what point --

13 MR. JOHNSON: You know, I'm not the
14 architect here of record. I'm only looking at
15 this building as preservationalist. And I'm
16 going to say whether or not, I believe the
17 building has lost its integrity. I'm not the
18 architect of record. I've not had the luxury of
19 having been involved in this project from day
20 one. But I see it today and I know that what I
21 have seen today has lost that integrity which I
22 found based upon Mizner designs --

23 MR. PANDULA: Okay. I understand what you
24 are saying. Okay. So there was no place else
25 to go there, other than to say that we neither

1 are the guarantors of the process.

2 So the project or the property was changed
3 over the years. As you know, there was a road
4 to the east which is no longer there. There was
5 a an addition to the east at one time which has
6 been removed. I guess we could consider it
7 perhaps a non-contributing addition to the
8 house.

9 So, in a sense, this house has been added
10 on to and modified over the years. Some of them
11 now have been removed, so it's changed its focus
12 to the west. There always was a grand staircase
13 leading from what's now the entrance foyer, but
14 was the library down to the pool area. So it's
15 another set of steps that's there now except
16 motor court.

17 I want to ask this in a form of a question
18 because I know you don't know the answer but:
19 This Commission, since its inception in this
20 Town, has worked very hard to not make these
21 individual properties museum pieces that can't
22 be used. The success of the program here in the
23 Town of Palm Beach is immensely successful and
24 is based to the largest extent on its ability to
25 allow people to upgrade properties to meet

1 current lifestyle and needs of other things.
2 And I don't see how this approval was any
3 different than any others. And I'd like your
4 take on why this has apparently stepped over the
5 bounds of what good judgment might be in that
6 regard.

7 MR. JOHNSON: The only thing that I could
8 respond to that without going into any judgment
9 is that as a preservationist, I always refer
10 to Secretary of Interiors as a basis on which
11 certain preservation does exist. And throughout
12 the record, I have seen responses perhaps to
13 references to the Secretary of Interior. If I
14 were the architect of record, then I would have
15 been very much aware of what those standards was
16 about in the restoration and preservation of
17 this historical property.

18 MR. PANDULA: But those standards to a
19 certain degree are fairly -- not nebulous -- but
20 there is a significant amount of gray area. Not
21 too similar; not dissimilar. There is a wide
22 range of interpretation.

23 MR. JOHNSON: Okay.

24 MR. PANDULA: My last, I think, thought on
25 this for right now is: As you know there's a

1 house to the north, which is the Gurnee-Munn
2 house.

3 MR. JOHNSON: Yes.

4 MR. PANDULA: And these two properties
5 function. To a certain extent, they talk to
6 each other physically on the property. They
7 always have.

8 To a large degree the renovations done to
9 this project leave the north facade intact,
10 including symbolically the entrance on the
11 ground floor, notwithstanding the fact that the
12 main stairwell has been demolished inside.
13 That's not under our control. The removal of
14 this property in your opinion, how does that
15 affect the Gurnee house, the Gurnee Munn house
16 in that courtyard?

17 MR. JOHNSON: The removal of this property
18 is only done if this property is no longer
19 deemed historic and has been considered to have
20 lost its historic integrity.

21 The property to the north, by its own
22 right, has been an Addison Mizner design and
23 there is -- and there is all of the evidence of
24 this building. Everything designed there works.
25 Now if we remove any of the properties, the

1 property would stand alone.

2 MR. PANDULA: But to a lesser extent?

3 MR. JOHNSON: Of course it would. In fact,
4 it would. Of course it would. Within the
5 context, yes.

6 MR. PANDULA: Completely or to a lesser
7 degree?

8 MR. JOHNSON: Well, as removed, completely.

9 MR. PANDULA: So you are saying the Gurnee
10 Munn house will remain completely intact of all
11 of its architect --

12 MR. JOHNSON: Yes, indeed. But remember
13 now, this house has all of the elements of the
14 entrance. The elements of the ocean view. The
15 elements of -- all the elements of this property
16 would stand alone and can stand alone.

17 MR. PANDULA: I think I disagree with that.
18 I noticed on your resume that you've spent some
19 time on Nantucket. Are you familiar with what
20 used to be known as the Trubeck-Wislocky
21 (phonetic) house up there?

22 THE WITNESS: Which one?

23 MR. PANDULA: Trubeck and Wislocky were the
24 names that they originally -- they are in
25 Panama. They were designed by Robert Stern in

1 the early '70s.

2 MR. JOHNSON: Yes.

3 MR. PANDULA: It has a very simplistic
4 adaptation of some of the shingle-style homes up
5 there. But the big architectural buzz about
6 them at that time was the fact that there were
7 two of them and how they were positioned. So I
8 see a parallel between these and you don't? I
9 mean, if one of those were removed, it wouldn't
10 be anywhere near the same. I do think the same
11 would apply to these structures here.

12 MR. JOHNSON: Well, as you know, too, as a
13 result of that house there was considerable
14 excitement about them. Also there have been
15 some changes in the Nantucket ordinance that
16 would prohibit that kind of thing from
17 happening.

18 So there is a perfect example that when one
19 comes in and disregards the context of historic
20 fabric of Nantucket. Here's a similar kind of
21 condition. You cannot destroy the historic
22 integrity of the fabric of a historic place or
23 places. And they, as it was seen, you know, did
24 just that to Nantucket.

25 MR. PANDULA: Maybe it did. But my point

1 is that they were conceived as a pair. They
2 related to one another the way that they did.
3 The same thing applies here. So I understand
4 what you are saying. You're saying that the
5 removal of the Charles Munn house will not
6 impact the Gurnee Munn house?

7 MR. JOHNSON: Correct.

8 MR. PANDULA: Okay. Great. Thank you.

9 MR. KOLINS: Let me just ask you one
10 question, if you don't mind.

11 If you look at a house in the condition of
12 the house as we have talked about here today, do
13 you have to await it being completed before you
14 know whether or not it has lost its historical
15 integrity or can you tell in its present
16 condition whether or not, regardless of being
17 finished, it has lost that integrity?

18 MR. JOHNSON: Yes. I can tell. Because if
19 I know anything about the house and the designer
20 of the building, I can look at that building and
21 I can tell that there have been things done that
22 destroyed the architectural integrity that are
23 responsive.

24 MR. KOLINS: Thank you.

25 MR. MOORE: Mr. Kolins -- if I might,

1 Mr. Chairman, ask one more question of the
2 Professor?

3 Professor, during the course of your
4 presentation, you continually eluded to the
5 interior and how the changes of the interior had
6 taken away all integrity of the house. Were you
7 able to study our ordinance or read our
8 ordinance prior to your finding of these
9 conclusions?

10 MR. JOHNSON: Yes.

11 MR. MOORE: Were you aware of the section
12 of the ordinance that deals with interior
13 changes that would be found in Article Three,
14 Certificate of Appropriateness, Division One,
15 generally, Section 5471, Requirement B, which
16 would be the following: The Commission shall
17 not consider interior arrangement or use except
18 as that this may affect a request for exterior
19 changes?

20 MR. JOHNSON: Yes.

21 MR. MOORE: And then what exterior changes
22 occurred in your professional opinion that were
23 predicated by the changes and brought about by
24 the changes of the interior that you found
25 objectionable?

1 MR. JOHNSON: Again, if I were a member of
2 a Commission and I understood that the
3 interiors, you know, were not to be considered
4 by an ordinance, I would still be bound by the
5 fact that a building that's presented to me and
6 this Commission is a building that represents a
7 designer where the interior was very much a part
8 of this designer, then I would refer to the
9 Secretary of the Interior's standards again.
10 Because there -- and I think there might have
11 been a discussion about this -- that there are
12 certain elements even of the exterior that can
13 affect the interior as well.

14 So this is not just that these -- all these
15 beautiful interior furnishes and finishings are
16 of Mizner's designs are no longer there. There
17 happens to be a total package. This is a
18 composition that Mizner designed; windows and
19 doors and the way these openings are. These are
20 all apart of the exterior and as part of the
21 interior as well. So when you change an
22 interior, you're changing the exterior as well.
23 That's been demonstrated.

24 MR. MOORE: That wasn't my question,
25 Professor, and I'm sorry that I didn't make it

1 plain enough. Let reask the question. What in
2 your review of this project under our ordinance
3 for a de-designation -- which is what you're
4 asking for and you were contracted for to
5 present a professional opinion here today to
6 this Commission to make a decision upon -- what
7 interior changes occurred that would influence
8 the exterior that you found objectionable that
9 destroyed the architectural integrity of this
10 particular home?

11 MR. JOHNSON: The east facade. The
12 extension of the loggia. The west facade. The
13 addition of -- the large addition to the west.
14 The entrance. The new entrance to the west
15 created a tremendous difference in what was the
16 original Mizner design.

17 MR. MOORE: So you're saying the addition,
18 but not the interior changes? I don't want to
19 put words in your mouth.

20 MR. JOHNSON: As an architect -- or as an
21 architect of record -- if I am designing a
22 building, I'm designing for the user who is
23 going to occupy this. And so the way that I
24 would design this -- me, meaning -- the way
25 Mizner has designed this was to allow the user

1 to operate or use in a certain way. Now that is
2 what the interior is all about. And then the
3 exterior is really for the art of it, of the
4 architecture. This is really the way that the
5 interior uses the building as being expressed
6 through the exterior.

7 So I see it as a total package. So, I'm
8 not saying that because, you know, there is no
9 longer ceilings. I suggest to you that the
10 total package, everything about this building as
11 a Mizner design has been compromised.

12 MR. MOORE: So I think what you're saying
13 is that ordinances is broad when it says, it
14 shall not consider the interior?

15 MR. JOHNSON: No. No. I'm not suggesting
16 that the ordinance is flawed.

17 When one has to make a decision about a
18 building and the change to the building, then
19 one has to understand all of those things;
20 otherwise, you will ultimately destroy the
21 integrity of the building.

22 MR. MOORE: One last question. I know this
23 is going to -- are you asking the Commission to
24 ignore the ordinance? Would you ask them to
25 ignore the ordinance?

1 MR. JOHNSON: No. I'm not asking the
2 Commission to ignore the ordinance.

3 MR. PANDULA: I just have one follow up
4 with that. I honor Mr. Johnson's high
5 philosophical standpoint. I think from a
6 philosophical standpoint you are absolutely
7 correct. However, that interpretation put into
8 affect physically in this community would render
9 the preservation program here useless. It would
10 have less than no support if buildings could not
11 be updated away from lifestyles of the 1920s in
12 terms or arrangements of rooms, sizes of rooms,
13 functionally, site. I've been through this.
14 Not on this Board but with dealing with these
15 issues in this Town since the 1980s, early
16 1980s. A quarter of a century of it, and I've
17 seen it change from having no support in the
18 community for this, to being warmly embarrassed.

19 The success of the program has in large
20 measure come from the ability of the previous
21 Commissions and this one to somehow bridge the
22 gap between strict adherence to a philosophical
23 code or preservation architecture and allowing
24 buildings to evolve and change into the future.
25 And I think by example, if you at the track

1 record in this Town, it's pretty damn good.

2 So, while I honor your philosophical
3 standpoint from an academic position or a
4 philosophical position, you're right on the
5 money. But it will never work. It won't play
6 here.

7 So, I think -- and that comes to your
8 question -- or what I interpreted as your
9 question -- of the wisdom or decision to approve
10 this project. I think it was a good, sound
11 decision that is based in a lot of predicate
12 here. Thank you.

13 MR. KOLINS: I told you at the outset that
14 there were two basis under your code to justify
15 the de-landmarking of the property. One is
16 architectural and the other economic hardship.
17 I want to reference you, for the record, to
18 Section 54-125C of your code. Let me make sure
19 to get that exactly right. That's correct. And
20 it's entitled, Appeals and Grounds of Extreme
21 Economic Hardship.

22 And it says, when a claim of extreme
23 economic hardship is presented, the property
24 owner must prove that he has used every
25 reasonable and beneficial resource for the

1 property. Findings by the Commission shall be
2 made by considering the property and you may
3 submit to the Commission evidence establishing
4 each of the following factors.

5 Before we begin, Mr. Chairman, I would like
6 your permission to introduce into the record
7 some documents. We'll get this done and over
8 with.

9 MR. MOORE: Mr. Chairman, before Mr. Kolins
10 introduces those, I would like to ask our, the
11 Board's attorney, a question relevant to the
12 application for de-landmarking and that is:
13 It's our understanding that the application was
14 not filed for a financial hardship. And so the
15 question I would ask to our attorney: Would it
16 be -- whether or not it would be proper for
17 Mr. Kolins to be permitted to add to the
18 application at this point in time as it was not
19 advertised as such and we would ask the
20 appropriateness of this addition to the
21 application at more than the 11th hour?

22 MS. YEN: It would not be appropriate;
23 however, it's our position of our office that we
24 would probably not let it in or consider it at
25 this time.

1 MR. KOLINS: I would suggest to you that --
2 I don't know, maybe your lawyer can point it out
3 to me -- but I don't know of anything that says
4 if you have an application come before you for
5 de-landmarking, you are limited as to the
6 grounds you can argue. I could argue the sky is
7 blue if I want to and that's the basis for
8 de-landmarking. You don't have to agree with
9 it. But it seems to me, I have the right to
10 argue it. In this case you go -- I think in a
11 matter like this you should consider it.

12 MR. HANLON: Mr. Chairman, on behalf of the
13 staff, I was one of the principal reasons for
14 the submittal for the rules and regulations, so
15 that the staff could review the matters and give
16 you their position and feelings in response to
17 all such matters. And I would think it would be
18 appropriate for -- if the applicant did want to
19 review those materials that the matter would be
20 deferred to an appropriate time or period that
21 the staff could review such matters.

22 MR. KOLINS: Mr. Chairman, with a view
23 towards being cooperative to both you as the
24 Board and your staff, if the staff feels like
25 that it would like to defer for purposes of

1 reviewing what we would submit to you, we will
2 not argue that. We will agree to that if you
3 would agree to hear us next month; we will
4 provide all of you the documentation.

5 MR. MOORE: Mr. Chairman, what we would
6 need to do would be to only review and defer the
7 financial portion of the application. We are
8 not seeking a deferral on any other portion of
9 the application that's before you today. If
10 Mr. Kolins is agreeable to a deferral on the
11 financial aspect of it, we could review it at
12 that point. But that wasn't what's before you
13 today. What's before you today is the
14 application that was filed and the financial
15 hardship was not included in that application.

16 MR. KOLINS: Well, I would disagree with
17 Mr. Moore, that maybe -- if they could show me
18 something. I don't know. That's great. But
19 there is nothing that says, to my knowledge,
20 that financial matters can be brought to your
21 attention.

22 Having said that, as I told you, I have no
23 objection to defer this until next month and
24 we'll work with the staff between now and then.
25 That's okay with me. I don't want to continue

1 with constant objections and constant harassment
2 instead. We have a story to tell and a case to
3 present that will transcend a process.

4 So, Mr. Chairman, if that's what you want
5 to do, you want to defer it, that's okay with
6 me. But I want to do this in a way that going
7 to eliminate these kinds of objections that I
8 think are without merit or grounds to begin
9 with, but I'll certainly cooperate and take a
10 deferral.

11 MR. MOORE: In the interest of time,
12 Mr. Pandula -- Mr. Chairman, what we would like
13 to do is just like our objection to go on the
14 record as an objection at this point. There is
15 a financial section of the ordinance that deals
16 with financial hardship. There is documentation
17 that needs to be presented. It's a whole
18 different form.

19 But what I believe Mr. Kolins is now saying
20 is that he wishes -- and I don't mean to put
21 words in his mouth -- to introduce some
22 financial information. But a financial packet
23 for you to consider under that portion of the
24 ordinance was applied for.

25 So, I certainly have no objection of him

1 giving you financial information, but not as a
2 basis for the entire demolition -- excuse me --
3 undesignation of the property.

4 MR. KOLINS: I don't know what Mr. Moore is
5 saying exactly.

6 There is a basis in the code that says you
7 can for economic hardship reasons grant a
8 demolition -- grant an undesignation. And I
9 want to argue that. That's a basis of our case.

10 Now if he is saying that they need time to
11 prepare for that. That's okay. I'll take the
12 deferral. But I don't want any limitations on
13 me as to whether or not you can consider that as
14 part of this. Of course, you can consider it.
15 I want it fully considered and if you want more
16 time, we'll come back next month and show that
17 stuff to you.

18 MS. VICTOR: Mr. Kolins, I believe the
19 section you're reading from is headlined under
20 partial demolition and not de-designation. It
21 talks about extreme economic hardship. And the
22 laundry list you did not want to read contains
23 Item A Three that says that the fair market
24 value of the property immediately prior to its
25 designation as a landmark -- which would be

1 1980 -- would be one value that could be
2 assigned. And the second one would be at the
3 time of the application for Certificate of
4 Appropriateness. And that would be the sale
5 price in 2000.

6 I just wondered if you really wanted to go
7 down this route with us?

8 MR. FRANK: Essentially I think that we
9 should be reminded here that this application or
10 this discussion is under Certificate of
11 Appropriateness, and I believe that no such has
12 been applied for here and the staff would like
13 to normally respond to this. I also believe
14 that the application is for undesignation and I
15 believe you have criteria under undesignation
16 that we're following here. And that's what the
17 hearing is all about.

18 I don't think you should be led astray into
19 accepting all of this financial hardship
20 information when no such Certificate of
21 Appropriateness has been applied for. Now, if
22 it's part of Mr. Kolins' case, I do suggest that
23 you submit it; however, I believe that that's
24 not what we would consider right now.

25 MR. MOORE: So you are not applying for --

1 what you're saying is you're not applying for
2 the extreme partial demolition under extreme
3 hardship or financial -- the section of the
4 ordinance that applies for that?

5 MR. KOLINS: We are applying on economic
6 hardship grounds. And I think economic data has
7 been presented to you -- when we get to present
8 it, it will be persuasive to you. I think you,
9 as the Board, need to know the entire situation
10 surrounding this property. You've made your
11 views so far, individually, fairly clear on how
12 you look at some of the architectural issues and
13 we have something to say about that. But I
14 understand what you are saying. But, you know,
15 Paul Harvey who once -- says every day, now for
16 the rest of the story. Now, I'm going to tell
17 you the rest of the story. Now, I have no
18 objection if you defer this for a month and
19 between now and then I together with Mr. Frank
20 and Mr. Moore -- Now, I mean, Mr. Moore is
21 nodding at you and telling you what to do and I
22 object to that.

23 MR. MOORE: Good.

24 MR. KOLINS: It seems that this Board -- if
25 they have any problems, we can work them out

1 with them in an orderly process. But I don't
2 want to present this and have them jumping down
3 saying what you should consider and shouldn't
4 consider and have me argue with them. We'll be
5 here all day and we're not going to get to a
6 rational consideration of all the facts. So I
7 ask this Board to go along with your own
8 attorney's suggestion. We'll take a deferral
9 for the rest of this and work with your staff in
10 the interim and there won't be any problem.
11 We'll give them all of the data ahead of time
12 and they can analyze it from now until kingdom
13 come.

14 MR. MOORE: Mr. Chairman, we'll defer and I
15 apologize for nodding my head in whatever way I
16 was nodding it. But we will ask you to continue
17 and we will remove our objection at this point.
18 The Board's attorney has already spoken to the
19 others in affect that Mr. Kolins should have the
20 latitude to introduce whatever he wishes. So in
21 that respect, we will remove our objection.

22 MR. PANDULA: Okay. And this is material,
23 Mr. Kolins, that we haven't gotten yet along
24 with architectural stuff? This is something
25 we'll be hearing for the first time?

1 MR. KOLINS: Right.

2 MR. PANDULA: Okay.

3 MR. KOLINS: So the question is: Do you
4 want to defer this or do you want to go forward?

5 MR. MOORE: I don't think --

6 MR. KOLINS: Excuse me. You may not want
7 to defer it but I'm asking --

8 MR. MOORE: I'm sorry. I thought you were
9 asking for a clarification from the staff.

10 MR. PANDULA: No. We are going to move
11 forward.

12 MR. KOLINS: And let me clarify something.
13 Okay? Section 54-125 entitled "Demolition." As
14 Ms. Victor would have you believe is that the
15 economic hardship argument awaits the partial
16 demolition. That is not true. Section B of 125
17 is a partial demolition. Section C has nothing
18 to do with partial demolition. It is total
19 demolition.

20 MS. VICTOR: Thank you.

21 MR. KOLINS: Now having said that, I have
22 some documentation I would like to submit for
23 the record. And I would like this Board to
24 understand the realities of where we are.

25 So if I can tell you what I am going to

1 submit. First, Mr. Chairman, if I could submit
2 and go from there, I would appreciate it.

3 First of all, I'm going to submit for the
4 record a chart which I will soon pass out to
5 each of you as well as put it on the Board,
6 which is entitled "Financial Status 455 North
7 County Road." It has a variety of data on there
8 and we'll get to that in a minute.

9 Secondly, I want to submit another two-page
10 document entitled -- it doesn't have a title,
11 but it has categories on it on the top as being
12 real estate taxes for the previous four years
13 and other items such as financial information on
14 there. We've got two copies -- we've got copies
15 of the last two years tax returns relating to
16 the property and an appraisal report done in
17 relation to the property. I would like to give
18 that to you for the record, if I may.

19 MR. KOLINS: It is, of course, clear that
20 your attitude about this building from a
21 architectural standpoint is one which you find
22 difficult to get over in terms of
23 de-designation. And as I told you at the
24 outset, I understand and appreciate those
25 concerns.

1 I guess I would say to you that at this
2 point we're for better or worse with what we've
3 got there with the building is more of a
4 replication rather than a restoration. I
5 suppose anybody could take a piece of property
6 and start from scratch and have it mimic or
7 imitate any house. I am not sure that should
8 make the house a landmark quality. But,
9 notwithstanding, that there is a totally
10 separate rationale for allowing a demolition of
11 this extreme is beyond partial.

12 And so I will say to you that regardless of
13 what you feel architecturally -- whether you
14 agree with our position or you don't agree with
15 our position -- however, you view that, the
16 facts of the matter are as follows:

17 Mr. Clark -- who somebody mentioned his house --
18 but Mr. Clark spent a variable fortune finishing
19 that house. And it may well be something that's
20 very good. But Mr. Clark has that fortune to
21 spend; we do not have that fortune to spend on
22 finishing this house. In fact, we don't have
23 any more money to finish this house; not one red
24 cent. And let me explain to you why, so you
25 will understand.

1 This house -- as I started to tell you at
2 the outset -- was financed by assets of
3 Mr. Sylvester. The amount of money spent on
4 this house -- and there was another property
5 also -- used other money. So when I'm talking
6 about the money, there were other money there
7 that was already spent. All of the money which
8 was provided for this house, which was supported
9 by the assets of Mr. Sylvester -- secured by
10 those assets -- had been spent. He had no more
11 assets, none, that could be used to get any more
12 money for this house. The house -- Ms. Victor
13 might find this is of some interest.

14 MS. WILKEY: I'm sorry. I have to go.

15 (Ms. Wilkey exits and re-enters the room.)

16 MR. KOLINS: We'll wait. Ms. Wilkey, while
17 you were out I was talking about the Clark house
18 that you had referenced. The difference in that
19 situation and this one is Mr. Clark had money to
20 do it. He has a fortune -- God bless him -- and
21 he was able to do it. In this situation, we
22 have no money, none. And in the process of
23 explaining why and proving that to you is not
24 just a lot of rhetoric. Because I think this
25 Board needs to understand the reality of this

1 situation over and above whatever you think
2 about the architecture and whatever you think a
3 perfect world would be. Many of you might think
4 a perfect world is finish this house and it's
5 going to be wonderful.

6 (Ms. Victor exits the room.)

7 MR. KOLINS: Well, I'm not going to debate
8 that anymore. But that being so, it just cannot
9 really happen. It's an unrealistic expectation.
10 So, we'll wait a minute for Ms. Victor, because
11 she wants to have at me anyway. She may as well
12 have all the ammunition she can get.

13 MR. MOORE: Just for the record,
14 Mr. Chairman, Mr. Kolins may want to wait for
15 Ms. Victor, but we do have a quorum and it would
16 be your purgative as to whether Mr. Kolins
17 should go on or not. It's your decision that we
18 wait for Ms. Victor.

19 MR. PANDULA: Let's keep going.

20 MR. KOLINS: You want to move on?

21 MR. PANDULA: Yes.

22 MR. KOLINS: Then I'm going to ask that she
23 be recused from this process since she won't be
24 here for all of it, and I ask that she not be
25 allowed to participate further.

1 MR. PANDULA: I don't think --

2 MR. KOLINS: In any event, this property
3 costs \$14 million. My client paid \$14 million
4 when they bought it some years ago. That was
5 before a dime was put into it to renovate it.
6 Okay? To date -- and I think this might be a
7 good time to pass this out. I also have Board
8 with this information.

9 Now what this -- what this information
10 shows is as follows: \$18,965,333 has been spent
11 on this property to date. And in a moment, I
12 will have all of this confirmed by a bank
13 representative.

14 MS. HOFFMAN: That's in addition to the
15 purchase price?

16 MR. KOLINS: No, including the purchase
17 price.

18 MS. HOFFMAN: Thank you.

19 MR. KOLINS: So approximately \$5 million
20 have been spent on this property to date.

21 Now a few of these figures are to be
22 changed and we'll correct it. Mr. Leonard will
23 come up and do that for you. But what you can
24 see is the monthly carry on this property is
25 almost \$55,000 per month. Approximately

1 \$300,000 is owed in taxes, and there is not even
2 money to pay for the taxes, and there is no
3 money that's going to be further forth coming to
4 work on this house from the bank.

5 And before I proceed any farther in this
6 regard I'm going to ask the representative of
7 the bank and go over this with you and explain
8 in detail the situation. His name is
9 Tim Leonard. Tim is the credit manager for
10 Palm Beach County for the private banking
11 department for Wachovia Bank. And I'm going to
12 ask Tim to come up. I don't know if you want to
13 use that chart, Tim.

14 MR. LEONARD: Tom.

15 MR. KOLINS: Tom. I'm sorry.

16 MR. LEONARD: This is a chart that details
17 the existing costs associated --

18 MR. MOORE: Two things. First of all, it's
19 not on, the microphone. Secondly, you need to
20 identify yourself for the record.

21 MR. LEONARD: My name is Tom Leonard. I'm
22 with Wachovia Bank. I'm a credit manager in
23 private banking.

24 In speaking to the last comments regarding
25 the Board, the top represents the level of debt.

1 The middle represents the monthly interest
2 charges associated with the debt. And then the
3 bottom is kind of a budget, if you will, of
4 operating expenses that have been associated
5 with it at the time this was prepared.

6 Since -- the two items I'll just point out
7 that probably need to be stricken, and the
8 revised version would be the builder's risk
9 insurance, renewal. And windstorm insurance
10 would be -- could be stricken as a result of the
11 fact that the property -- the lack of building
12 going on. And the property taxes, that's an
13 estimate we used to work for in coming up with
14 the budget, if you will, of the property.

15 MR. KOLINS: Would you, Mr. Leonard, please
16 explain to this Board of the status of your
17 bank's loans to the owners of the property and
18 please advise them as to whether or not there is
19 a basis for any further loans to do any further
20 work on the property.

21 MS. VICTOR: Mr. Pandula, is this relevant
22 to our judging the criteria? I mean, it seems
23 to me that we would then require a bond from
24 anybody undertaking renovation of a landmark if
25 we're to look at whether they can actually

1 complete the --

2 MR. KOLINS: Maybe you should, Ms. Victor,
3 but I think it's very relevant because it says
4 so in your code that if we can show economic
5 hardship -- if we're going to show in the
6 extreme, I think we have every right to do so.

7 MR. MOORE: Mr. Pandula, just for the
8 record, again, the staff has objected to it, of
9 course, but the attorney representing the Board
10 has indicated that Mr. Kolins should be given
11 latitude that he needs today. Whether it be
12 relevant, it may end up being not judged so at a
13 different forum and level. But today, he has
14 the ability to make his presentation.

15 MR. LEONARD: Would you repeat the
16 question, if you will.

17 MR. KOLINS: Yes. I think you need to
18 inform this Board of the status of the bank
19 loans and the security for those loans and
20 whether or not any more money is available from
21 the bank for work on this house.

22 MR. LEONARD: The status of the loans is
23 that we have just performed a short-term
24 extension of 30 days to provide time to meet
25 with Mr. Sylvester's representatives to

1 restructure the debt. Based on the facts that
2 are associated, this transaction could involve
3 the assets, the collateral, the cash flow.
4 There is not any a additional money available
5 from the bank to continue the development
6 associated with this property.

7 MR. KOLINS: And the security that was put
8 up to secure your loans has been in an artful
9 way to put it "utilized or used up;" is that
10 right?

11 MR. LEONARD: Correct. The security
12 associated with the transaction, as you look at
13 the chart, securities is designated against two
14 facilities. The securities have been impacted
15 both by the overall stock market decline and the
16 increase in the debt. As we stand today, there
17 is currently -- the loan is not necessarily in
18 compliance with the loan agreement.

19 MR. KOLINS: Thank you.

20 MR. PANDULA: I have a question. Were you
21 the original bank?

22 MR. LEONARD: Yes, I was.

23 MR. PANDULA: Did you ever have a project
24 schedule as to what was to have occurred?

25 MR. LEONARD: This project was never

1 underwritten out of the box to provide permanent
2 financing for the completion of the project.

3 MR. PANDULA: What does that mean?

4 MR. LEONARD: When the acquisition of the
5 property was done, it was not intended to
6 completely finish the property unless certain
7 financial factors fell into place given the
8 assets and collateral that were available.

9 MS. WILKEY: They were gambling?

10 MR. LEONARD: There were a set of
11 circumstances that could have allowed the
12 property to go forward but certain things
13 happened.

14 MS. WILKEY: They were speculating?

15 MR. LEONARD: To a certain extent a lot of
16 that was driven by broader economic issues that
17 resulted in a decline in the market.

18 MS. VICTOR: Someone could think perhaps
19 that there is demolition by neglect?

20 MR. LEONARD: Is that a question to me?

21 MS. VICTOR: Um-hum.

22 MR. LEONARD: That is not something that I
23 would be able to answer.

24 MR. SEGRAVE: If, for example, this
25 property is not sold, would the bank -- if it's

1 not sold, would the bank take it back, take the
2 property and repossess it?

3 MR. LEONARD: I believe it's premature for
4 me to comment on what the bank may or may not
5 do.

6 MR. SEGRAVE: My only question is:
7 Ultimately, if I understand, it will be sold one
8 way or another, whether it's the people that
9 hold the mortgage on it or collateral and that
10 would be you?

11 MR. LEONARD: That is an option that could
12 be available to the bank.

13 MR. KOLINS: Maybe I can get there another
14 way that would help you, because I understand
15 the hesitance of the bank to say anything and I
16 appreciate that. But is the bank owed money?

17 MR. LEONARD: Yes.

18 MR. KOLINS: And in the normal course of
19 events -- not even talking about this project --
20 but if the bank is owed money that is secured by
21 an asset, at some point, I take it, the bank
22 would force a sale of that asset so the bank can
23 realize it's security; is that a fair statement?

24 MR. LEONARD: Correct.

25 MR. KOLINS: And that's the way banks

1 normally operate?

2 MR. LEONARD: Yes.

3 MR. KOLINS: And, again, this Wachovia Bank
4 would consider this a lot of money?

5 MR. LEONARD: Yes. The borrower has. Yes.

6 MR. KOLINS: The borrower does. And the
7 borrower was a corporation?

8 MR. LEONARD: The borrower was
9 Mr. Sylvester.

10 MR. KOLINS: You don't deal with
11 Mr. Sylvester anymore because of his incapacity;
12 is that correct?

13 MR. LEONARD: Correct.

14 MR. PANDULA: Mr. Moore, you have a
15 question?

16 MR. MOORE: Yes. Two questions. You were
17 the original loan officer. Is that what you
18 testified?

19 MR. LEONARD: I am in the credit department
20 and I --

21 MR. MOORE: Well, you evaluated the
22 property originally for the loan?

23 MR. LEONARD: Correct.

24 MR. MOORE: Was it evaluated purely on the
25 basis of the land or was it evaluated purely on

1 the -- or partially on the basis of the
2 structure on the land? And there is a follow-up
3 question to that, so I'd like to hear that
4 answer first.

5 MR. LEONARD: The --

6 MR. MOORE: Don't look at Mr. Kolins for
7 the answer.

8 MR. KOLINS: I don't know the answer,
9 Mr. Moore. If I did, I'm not above whispering
10 it. But I don't even know.

11 MR. LEONARD: The purpose of the
12 transaction came about, if I recall correctly,
13 relatively quickly with Mr. Elias, working with
14 Mr. Sylvester. At the time of the purchase of
15 the property and the funds were needed to fund
16 the acquisition of the property, there was not
17 complete plans and specifications available at
18 that time.

19 MR. MOORE: I didn't understand the answer
20 to me question. Was it evaluated as purely
21 land?

22 MR. LEONARD: As a result of there not
23 being plans and specifications at that time --
24 and typically how we look at these transactions,
25 we basically boil it down to, what is the land

1 value of the property.

2 MR. MOORE: Was it the -- thank you. Was
3 it the -- the question -- the follow-up question
4 was: Was evaluated as one lot or the
5 possibility to subdivide it?

6 MR. LEONARD: It was evaluated as one lot.

7 MR. MOORE: One lot. Thank you.

8 MR. PANDULA: I have a question and I'm not
9 sure who to address it to. But it's got to do
10 with the concept of economic hardship. When we
11 think about it -- are what -- is what is being
12 presented to us within the context of their
13 organization or the community as to what might
14 be an appropriate budget for this project in the
15 community in general? I mean, would another
16 person run out of money or would they just --
17 because they -- or do you know for certain?

18 MR. MOORE: I think what you're being
19 presented is they've run out money and that the
20 bank has --

21 MR. PANDULA: No. I understand that, but
22 how do they evaluate that? For example, if they
23 paid \$14 million for it and they're in for
24 \$18 -- so they put 4 in -- around there -- if
25 the project should really cost 10, then you're

1 only 40 percent of the way there. So, although,
2 it has taken on an economic hardship for you, it
3 may never have been a doable project. As I
4 think about what you are presenting to me, I
5 just want to know how I think about this. Do I
6 think about it because you, personally -- not
7 you personally -- because your team is in this
8 predicament or do I think about it because --

9 MR. KOLINS: Can I make a suggestion about
10 that? Before I do, I just need to ask a
11 question to clarify something; then I want to
12 respond to you.

13 Mr. Leonard, the bank made more than one
14 loan on this property, correct?

15 MR. LEONARD: Yes, we have.

16 MR. KOLINS: So, the first loan was for the
17 acquisition and for land?

18 THE WITNESS: Correct.

19 MR. KOLINS: And then there was subsequent
20 loans, right?

21 MR. LEONARD: Correct.

22 MR. KOLINS: Okay. Thank you. Let me make
23 a suggestion to you and the Board, because I
24 think, Mr. Pandula, you're really getting caught
25 up there.

1 The reality is no matter what you order, no
2 matter what the Town Council does with this, no
3 matter what, the reality is, there is no money
4 to finish this house. Know whether that
5 because -- it doesn't matter how you look at it.

6 I mean, it's a hardship for my client who
7 now has taken over the affairs of her father
8 because there isn't any money there to finish
9 it. It's a hardship because, maybe, maybe --
10 and I don't know this for a fact -- but maybe
11 nobody realized at the time that this was more
12 of an undertaking than they thought it was.
13 People thought it would cost four million -- and
14 that's just to make an example -- and it's
15 really a \$10 million -- and part of the problem,
16 by the way, I think that leads to that is, I
17 think that once they got started, they found how
18 deplorable the condition of this house was and
19 really how much had to be done with it. And,
20 you know, sometimes a project just gets out of
21 hand and I think really that's kind of what's
22 happened here.

23 So I think you're correct in both ways.
24 And I guess what I'm saying to this Board is --
25 and I need your help. I'm not being proud here.

1 I need your help. My client needs your help.

2 Because what the heck are we going to do?

3 If you say to us when all is said and done,
4 I don't buy your economic hardship, and
5 therefore, I'm just limited to architecture.
6 And when I look at the architecture, we feel
7 that the house can be finished and can be worth
8 something, so go finish it, we can't.

9 I don't care if the Supreme Court of the
10 United States tells us to do it, we can't. So
11 what I'm saying to you is this: Sometimes the
12 best of intentions -- sometimes things just go
13 sour. Okay? It's not what any of you would
14 like, and it's not what we would like. If you
15 think we're thrilled about being here under
16 these circumstances, you are very wrong. We are
17 where we are.

18 The only thing we can see to do that makes
19 sense -- because right now, the place is a
20 wreck. The Town has complained to us -- the
21 staff -- its condition and it's a safety and
22 health and so forth. The neighbors have to
23 think it's an eyesore. I mean, it's obviously a
24 terrible eyesore. And it does no one any good
25 the way it is.

1 Now if we can't take it from here to
2 there -- because it's not a matter of finding a
3 hundred thousand dollars to finish this house.
4 I mean, we're talking millions and millions of
5 dollars, and we don't have enough money to pay
6 last year's taxes.

7 So, what I am saying to you is, let us take
8 this house down. Okay. Let's say that
9 Ms. Victor is right and this was a great example
10 of a simple style, an early style of Mr.
11 Mizner and so forth -- and I'm not going to
12 argue that -- let's say that's all correct. But
13 it certainly isn't that anymore. We can't make
14 it that again. What are we to do?

15 So, let us get rid of the thing that as it
16 is certainly nobody is too much in love with.
17 Now we have land. Really the whole property is
18 only worth the value of the land. Now what's
19 going to happen with that is simple. We're
20 going to sell that land. Most of the money -- I
21 don't know what percent -- I don't know what the
22 dollars are precisely -- but X percent of
23 whatever it is sold for -- maybe for all I know,
24 all of it -- is going to go to the bank to pay
25 off, you know, what is still owed to the bank.

1 Now somebody else will have bought this
2 property and they're going to build a house and
3 presumably, they're going to build a nice house
4 on the ocean. Because if you can afford the
5 cost of the land over there, presumably you have
6 the money to do something nice. And they're
7 going to come to the Town -- whether it's to you
8 or our -- I don't know. But one or the other.
9 And then, of course, you are not going to
10 approve it if it's not nice and well done.

11 So, at least, this piece of property will
12 not be an eyesore or will not be a hazard.
13 There will be a nice, good Palm Beach house
14 there. I know it's not going to be this house.
15 But what the heck can we do? No matter what
16 your attitude is justifiably -- even justifiably
17 so -- Gene, let me go to your point.

18 You guys take the position and I'm not
19 quarreling with it. That when this came to you
20 for a Certificate of Appropriateness -- back
21 whenever they came to you for it, in good faith
22 and in good consciousness, you said this is all
23 these things that are needed to be done and all
24 these things are okay and go do them. When you
25 get through, it's going to be wonderful. And

1 maybe it would have been. But unfortunately Jim
2 Clark doesn't own this property. And you did
3 what you thought was right -- and I'm not saying
4 it was wrong either -- but for the very reasons
5 you're kind of getting around to, Mr. Pandula,
6 there were misjudgements made. Probably more on
7 our side than yours.

8 But there were misjudgements made about
9 what it's going to take financially and whatever
10 else to do this. And, yes, you can hoist this
11 on our own petareds for that. It's not your
12 job -- nor do I suggest you're consciously doing
13 it -- but it's not your job to be punitive. We
14 may have made mistakes. That's why I said to
15 you at the outset, this is a very special,
16 unusual case. This isn't going to set a
17 precedent for anything.

18 We are where we are and we don't have a
19 dime left for the house. And I put Mr. Leonard
20 up here because if I said it without him up
21 here, you might not believe it because it's just
22 another lawyer talking. But those are the
23 facts, and I need your help on what to do about
24 it, and that's what we're doing.

25 MS. WILKEY: Mr. Kolins --

1 MR. KOLINS: And then Ms. Victor is going
2 to have at me. I just know it.

3 MR. FRANK: Mr. Leonard, we were going to
4 appoint before we just had this and something is
5 unclear to my mind. You had explained to
6 Mr. Moore that basically it was the cost of the
7 property that you based your loan on. I know
8 for myself when I do construction with my house,
9 the bank wants to know that I have all of the
10 assets and so forth, and the value of the land
11 is there to back it up and so forth.

12 Now in -- the question is: In your
13 discovery or in your research of backing this
14 loan, did you discover that this property was,
15 in fact, landmarked and it had certain
16 structures on it that needed care and
17 maintenance and so forth and obviously a cash
18 flow when you granted this loan? That's the
19 question.

20 MR. LEONARD: The first question as it
21 relates to the bank's due diligence, if you
22 will, was assuring that the money was available
23 to finish the project. We were responding to a
24 need of our borrower, who, at the time had
25 bought the property and requested financing for

1 the property. There was not -- there was
2 discussions, general conversations about what it
3 would take to complete the property, to finish
4 the property. At the time of the acquisition,
5 those were not on the table with the actual
6 transaction.

7 MR. FRANK: But I guess you didn't get the
8 second portion of the question and that's why I
9 tied them together. If you went to the clerk of
10 the records, you would find that there was an
11 actual filing on this property that declared it
12 as a landmark, and then if you further checked,
13 you would see that the landmark assets cannot be
14 removed without the approval of this
15 condition -- this Commission rather. So you
16 would have known that there would have -- you
17 would have been also obligated to a cash flow
18 and maintenance of structures on that site. You
19 couldn't just come in willy-nilly and clear them
20 down and cash in the land. That's my question:
21 Did you do that research?

22 MR. LEONARD: We were aware that that was a
23 landmark. At the time, again, there was not a
24 plan to specs available for the redevelopment,
25 if you will, of the property.

1 MR. KOLINS: If I could just -- let me just
2 make one thing clear. I do not want to put the
3 bank on trial here. Where we are with the
4 bank -- and if I could just put myself in the
5 shoes of the bank for just a minute -- they made
6 loans on this property that were secured. Their
7 obligation is to their business, their
8 shareholders, their people that back their bank,
9 and they are secured. Okay? So they have not
10 done anything inconsistent with their
11 obligation.

12 Where we are is that that obligation got
13 used up, and it's not their fault or their
14 problem that the house isn't finished. That's
15 why they're not going to give us any more money.
16 Because they're at the point now where there is
17 no more security. They have enough security to
18 get paid back. But that's all there is. So,
19 that's why we are here.

20 I just asked Tom to come up here to support
21 that point with you, so you would know that it's
22 true; not for them to have to explain what was
23 in somebody's mind when they lent money on this
24 property. The fact of the matter is their loans
25 are secured, and so they didn't do anything

1 wrong. I'm not going to have them stand trial
2 for it. And you correct me if I am wrong about
3 what I'm saying. Am I correct?

4 MR. LEONARD: Yes, absolutely.

5 MR. KOLINS: Okay. You had a question,
6 ma'am?

7 MS. WILKEY: I have a question. It seems
8 to me that this all boils down to money. And
9 the reason you really would like this
10 de-designated is because of the money. So why
11 did you go through all of this other charade
12 about integrity and everything else?

13 MR. KOLINS: I will tell you. This was not
14 a charade. Let's understand that. You know,
15 just like it costs the Town and it costs you
16 time and it cost us time and money and
17 everything to talk about the architectural
18 stuff, we believe -- in fact, I was convinced --
19 and, again, I'm not the best judge -- but I was
20 convinced that there would be no question about
21 your looking at this and saying that this just
22 is not worth being preserved. And I had
23 reasons -- good and valid reasons for thinking
24 that -- but a few days ago I found out that I
25 may be wrong. That I misjudged what your

1 attitude would be. Okay? But we had planned to
2 have this turn on the architectural question,
3 because we didn't think there was any question
4 about it.

5 Well, a few days ago we decide there might
6 be a question about it. So we'll tell you -- we
7 didn't want to tell you about the economics. I
8 mean, it's personal. It's private. We're not
9 here to tell you about Mr. Sylvester's health
10 and money and so forth publicly because we're
11 happy about it. But we got to a point where we
12 thought we had no choice but to -- so to
13 speak -- come clean with you on everything. And
14 that's what we have tried to do. That's why.

15 So please don't think that it's some kind
16 of charade to get to the dollars, et cetera.
17 And it's not just a matter of dollars. I mean,
18 people say that; it's like you don't want to
19 spend the money. It's not a question of whether
20 you want to spend the money or not.

21 MS. HOFFMAN: I have two financial
22 questions. Was the collateral on the purchase
23 of the land, itself, or Mr. Sylvester's other
24 financial holdings? That's my first question.

25 MR. LEONARD: It was Mr. Sylvester's

1 assets.

2 MS. HOFFMAN: The land was not part of the
3 collateral?

4 MR. LEONARD: Right. Correct.

5 MS. HOFFMAN: Is it now --

6 MR. LEONARD: Yes.

7 MS. HOFFMAN: -- since you're
8 restructuring?

9 MR. LEONARD: Yes.

10 MS. HOFFMAN: My other question is: What
11 would be the difference between finishing this
12 project as approved by landmarks and tearing it
13 down and building a whole other mansion? Isn't
14 it going to be about the same in terms of
15 selling it to another developer?

16 MR. KOLINS: In terms of the money? I
17 don't know the answer to the question, but I'll
18 tell you this, our experience -- because we've
19 tried to sell it as it is -- no one will buy it.
20 The value of the property -- notwithstanding the
21 structure -- is just the value of the dirt.

22 Now like any other piece of valuable
23 property in Palm Beach -- we're assuming if
24 we're just selling the land -- someone will buy
25 it and build a nice house there. It's not that

1 they couldn't take the same money and finish
2 this house. They don't want to. We can't get a
3 buyer that wants to do that. If someone would
4 walk in the door today, with a check and say
5 we'll take it at fair market value and we'll
6 finish the house, we'd sell it tomorrow and
7 everybody can be happy. Not going to happen.

8 The two buyers we had refused to buy it
9 because it was landmarked. And that's the
10 reality of the situation.

11 So your question from a financial
12 standpoint is legitimate. But as a practical
13 matter, it won't be.

14 MS. BLADES: My question lies in
15 Ms. Hoffman's. What monetary value do you have
16 on the land?

17 MR. KOLINS: I'm going to tell you, that if
18 you want to say that; say it. If you don't,
19 don't.

20 MR. LEONARD: We have an appraisal that's
21 currently in process. So I do not have -- I
22 cannot answer that today -- as to the value
23 today.

24 MR. SEGRAVE: Can I ask one question? On
25 your collateral statement or from your financial

1 status, it's only 2,968,000 owed on the real
2 estate?

3 MR. LEONARD: No. That is not.

4 MR. SEGRAVE: What does that mean?

5 MR. LEONARD: There is a mortgage for five
6 million dollars against the property today.
7 That is the amount that is outstanding. The
8 balance of that from 2.968 to five million has
9 been utilized to show a deficiency within the
10 market that secured this transaction.

11 MR. SEGRAVE: So your bank has a
12 five-dollar mortgage on this property?

13 MR. MOORE: That's what he's saying.

14 MR. LEONARD: Yes.

15 MR. MOORE: That's exactly what he said.

16 MR. SEGRAVE: I'm sympathetic with the
17 situation but this is just a business decision
18 for the borrower to borrow the money against his
19 own securities; is that correct?

20 MR. LEONARD: I'm sorry. Could you repeat
21 that?

22 MR. SEGRAVE: Was this Mr. Sylvester's
23 decision to borrow this against his own
24 securities?

25 MR. LEONARD: Correct.

1 MR. MOORE: Mr. Pandula, in following up,
2 one more question.

3 First, I hope you don't feel you are on
4 trial here. But we didn't ask you come and
5 speak so...

6 MR. KOLINS: So, it's my fault? Couldn't
7 let it go? So enjoy yourself.

8 MR. MOORE: If there's a five million
9 dollar mortgage against the piece of property,
10 Mr. Kolins, may or may not want to answer this
11 question: But is the property for sale now or
12 do you now?

13 MR. LEONARD: The property is for sale.

14 MR. MOORE: And the asking price?

15 MR. LEONARD: I am not currently aware of
16 what the asking price is. But it is listed.

17 MS. VICTOR: I've been told by one of the
18 major builders in Town that he had it offered at
19 20 million.

20 MR. MOORE: So what we're talking about is
21 a house that needs to be finished on a -- from
22 the bank's standpoint, a financial issue -- a
23 house that needs to be finished that could or
24 would be in the vicinity of worth, possibly,
25 \$20 million with the land that has a

1 five million dollar mortgage; is that what
2 you're saying?

3 MR. LEONARD: I can't speak to what the
4 value of the property is.

5 MR. MOORE: No. No. No. Okay. But you
6 only have a five million dollar mortgage against
7 that hypothetical figure that I just --
8 hypothetically a larger amount of money that the
9 land is worth? So, if you --

10 MR. LEONARD: There is five million dollar
11 mortgage against the property today. There are
12 deficiencies within the collateral account that
13 will not necessarily meet that five million
14 dollar mortgage to be what the actual dollar
15 amount is.

16 MR. MOORE: So, if you were to foreclose on
17 your mortgage, you would then own the property
18 with the partially finished house for the five
19 million dollars?

20 MR. KOLINS: No. They would not. They
21 would get their five million dollars. The rest
22 would go the owners of the property, whatever is
23 owed. The bank doesn't keep the money. They
24 only keep what's owed to them. Right?

25 MR. MOORE: No. No. That's my point. And

1 that is my question. In other words, it would
2 go to sale, you would get your five million and
3 whatever is left would be parceled out; is that
4 correct?

5 MR. LEONARD: As I understand it.

6 MR. KOLINS: But I want to make something
7 clear about this. This is, again, confusing and
8 I don't want you to think you are being misled
9 intentionally.

10 Nineteen million dollars -- nineteen
11 million dollars has been spent on this property.
12 The bank has secured and been paid much of that
13 by other assets of Mr. Sylvester. So
14 Mr. Sylvester's family has already spent 14 or
15 so million dollars. Now this five million
16 dollars that is still owed to the bank is
17 secured by the land.

18 Now, if the property sold today for
19 \$19 million -- give or take -- everybody simply
20 breaks even. My client's family doesn't make a
21 dime. In fact, they've lost money, because
22 they've lost the interest of all that money from
23 a number of years. Perhaps it would have to
24 sell for \$20 million for them to come out even.

25 So I don't want you to think that there is

1 any windfall here. Nor are we looking for a
2 windfall.

3 In fact, I suggested to you that if my
4 family -- my client, the family, could end up
5 breaking even, they would be thrilled. So I
6 want to make that clear. There is no extra
7 money going to the family where they're going to
8 buy a yacht. There is just not.

9 MR. MOORE: Mr. Chairman, just one more
10 thing. I wasn't trying to suggest that in my
11 question to the banker. But what I am wanting
12 to point out, I think what Mr. Kolins just
13 said -- and certainly he will correct me -- is
14 that there are other assets that the family is
15 wishing to recover from the sale of this land.

16 Your interest and the town's interest in
17 this property, is the property and the house.
18 We are not interested in whether or not his
19 client can recover any additional losses that
20 might have been put up for work done on this
21 property.

22 So, even though we are not totally going
23 into the financial aspect of this, it's pretty
24 clear from what has just been said -- and
25 Mr. Kolins will correct me -- that there is a

1 five million dollar mortgage against the
2 property that has a half finished house on it
3 that needs to be finished that's worth in the
4 vicinity of \$19, \$20, \$21, \$22 million.

5 So, whomever purchases it, is going to have
6 the opportunity to finish it. Your decision
7 here is to whether or not to protect that house
8 and that property.

9 MR. KOLINS: I am going to correct
10 Mr. Moore, as he's invited me to do. And I'm
11 glad he's got us up to \$22 million, and if he
12 keeps going, maybe, we'll make out pretty good.

13 The fact of the matter is that the issue
14 before you is not -- he's right -- the issue
15 before is not whether my client recovers their
16 losses. The issue before you is that the
17 economic situation is so severe that no more
18 money can be put into this house.

19 Now that leaves you with the following
20 practical choice. You could say, okay, we
21 appreciate the situation and we'll let you tear
22 it down so something decent can go up there and
23 let's get this mess out of Town. That's one
24 choice. We hope you take that choice.

25 The other choice is to say, no, we're not

1 going to allow you to demolish it. What does
2 that mean? The property is going to sit as it
3 is. We will continue to try to sell it as is.
4 But I'm telling you, we've had no success with
5 that, and we don't expect any success with that.
6 And everyone in the business that we've spoken
7 to says the property is just worth the dirt and
8 you're not going to have any success with it.

9 Nobody is going to buy it unless you can
10 tear it down. Those are the realities. And so
11 we are -- everybody -- we're all going to sit
12 there with this half done house -- with this
13 shell of a house sitting there. No one buying
14 it. No one finishing it. No one improving it.
15 No one able to put something there instead.

16 I suggest to you that there is no value in
17 that. And that's the economic hardship.
18 Economic hardship is not that my client's
19 suffered a loss. That's, you know -- the
20 economic hardship is that we don't have anymore
21 money. So we can't do anything with the house
22 if you order us to finish the house. You can't
23 get blood from a turnip. I mean, it just the
24 reality.

25 So, I'm saying to you -- I'm asking you to

1 be practical. And the code allows you to take
2 this into account. I'm saying, look at it
3 realistically. You have all kinds of arguments
4 why that house was badly maintained. Putting
5 all that aside, we can't do anything else and we
6 need your help.

7 MS. VICTOR: There is a third alternative,
8 Mr. Kolins, and it's Section 543 of the Landmark
9 Ordinance. And it says that if the property
10 owners are in violation of the code that we, the
11 Town, can slap a lien on the property.

12 MR. KOLINS: Okay. Let me tell you how you
13 do that. Okay? Just so you understand,
14 Ms. Victor -- and if you want to go ahead and
15 pursue that, you'll be in litigation for the
16 next ten years. That'll be great because that's
17 good for me -- but I'll tell you what has to
18 happen before you put the lien on the house.

19 The Town has the right under certain
20 circumstances. You've got to have hearings.
21 Theoretically the Town could finish the house,
22 and then put a lien on it for the value. Okay?
23 As a rule you could put a lien on the house now.

24 Is the Town going to come up with five or
25 six -- whatever it is -- million dollars to

1 finish that house, so you have the privilege of
2 putting a lien on it? I can't see that is a
3 viable way to deal with this property. Okay?
4 That's just not a viable way of dealing with it.
5 You can take that position if you want to. It
6 just doesn't make a lot of sense to me. As a
7 practical matter, the Town wouldn't want to
8 spend that kind of money. I'm finishing this up
9 because we have bigger fish to fry.

10 MR. MOORE: However, just to respond to
11 Mr. Kolins, that is correct. That is an option;
12 that if you do not find in Mr. Kolins' favor for
13 his application, you may take an action of
14 having the house surveyed as to whether or not
15 it is in a condition of deterioration and
16 demolished by neglect.

17 And then you can send that matter to the
18 Town council as Mr. Kolins, can take any action
19 that happens here today to the Town council for
20 their position and their action. If the council
21 deems that, in fact, that that has occurred and
22 does want to spend Town funds, which may or may
23 not be what they want to do to, at least secure
24 the house so it's safe during the hurricane
25 season. That'll be a Town council decision.

1 And Mr. Kolins has started to threaten with
2 litigation, and I don't think it will be cheap
3 for his side on it. So, if he's out of money,
4 then it won't be a cheap matter to litigate with
5 the Town.

6 MR. KOLINS: Well, if there is a threat
7 there, I won't reference that. I won't.

8 MR. PANDULA: Let's keep going.

9 MR. KOLINS: Let me tell you what it will
10 cost to enclose the house.

11 Of course, it's matter of process. I don't
12 disagree with that.

13 But it would cost approximately a million
14 and a half dollars just to enclose the place.
15 So, I want you understand the magnitude of what
16 we're talking about.

17 MR. PANDULA: Do we need the banker
18 anymore? Thank you, sir, appreciate it.

19 MR. KOLINS: Well, I guess I know the Town
20 is prime rebut and to speak, so I'll sit down if
21 it's okay. I'm sure it's okay. And if I'm
22 permitted time to rebut at the end I would
23 appreciate it.

24 MR. PANDULA: Thank you very much. People
25 do we want to continue through lunch or just

1 take a few minute break? Let's just take a few
2 minute break. But before we do that, can I
3 motion for -- somebody to make a motion that we
4 accept the undesignation report as part of the
5 record.

6 MS. VICTOR: So moved.

7 MS. WILKEY: Seconded.

8 MR. PANDULA: There is a motion and second
9 that the undesignation report be made part of
10 the record.

11 MR. KOLINS: Mr. Pandula, I don't know that
12 it's necessary. You can ask your attorney. I
13 put other things in the record. I assumed they
14 were accepted into the record, and I don't know
15 if you need a separate motion to do that.

16 MR. PANDULA: I don't think so. I would
17 guess everything that has been submitted.

18 ATTORNEY: Yes. You need a motion, just
19 like the designation -- de-designation needs a
20 motion to put their report into the record.

21 MR. PANDULA: Right. That's what we're
22 doing. But Ron asked if we need separate
23 motions for other materials that is he has
24 passed up here or whether it's encompassed in
25 this one motion. I say it's encompassed in this

1 one motion.

2 MR. MOORE: I would suggest that it isn't;
3 and I would say that you need two.

4 MR. PANDULA: Okay. So let's do it this
5 way. Let's have a motion for an undesignation
6 report being made part of the record which is
7 what they originally submitted to us.

8 MS. BLADES: I so move it and amend it to
9 include --

10 MS. WILKEY: No.

11 MS. BLADES: -- accept --

12 MS. WILKEY: Seconded.

13 MR. PANDULA: Is that a second?

14 MS. WILKEY: Seconded on the first.

15 MR. PANDULA: So there is a motion to
16 accept the undesignation report as part of the
17 record. All in favor?

18 (Unanimous response.)

19 MR. PANDULA: Any opposed? Thank you.

20 Now we need a second motion to accept the
21 additional materials as including the financial
22 data that Mr. Kolins has --

23 MR. KOLINS: Do you specific for the
24 record?

25 MR. PANDULA: Why don't you do that,

1 please. That would be great.

2 MS. WILKEY: I move that we accept the
3 material relating to the financial status.

4 MR. KOLINS: I'm just going to recite what
5 I have offered, and then if you choose to --

6 MS. WILKEY: Okay.

7 MR. KOLINS: There is a document entitled,
8 Financial Status 455 North County Road, with
9 various financial information on it. It's a
10 one-page document. There is a two -- excuse
11 me -- there is a two-page untitled document with
12 the heading real estate taxes for the previous
13 four years and it has various listings and
14 information on it. There is the complaint filed
15 in Circuit Court CA 02-129-3 A 01. There are
16 income tax returns for 455 North County Road,
17 Inc. for the years 2000 and 2001. And a land
18 appraisal/report from Robert R. Reynolds, III
19 SRA. So those are the documents.

20 MR. PANDULA: I have a question to our
21 attorney. Can we accept them without having
22 seen them?

23 MS. HOFFMAN: I think we should see them
24 before we accept them.

25 MR. KOLINS: I'll be happy to pass them out

1 and you can accept anything you want for the
2 record. But if you want me to pass them out. I
3 have copies and I can pass them around.

4 MR. MOORE: Have we agreed to iterate our
5 first objection to the matter. So for the
6 record then.

7 MR. KOLINS: Well, I thought we had gotten
8 past that. There wasn't going to be an
9 objection. That's why we continued today.

10 MR. MOORE: For the record, we have
11 objected to it and we advised -- our attorney
12 advised them to go ahead and let everything in.
13 So the staff still objects.

14 MR. KOLINS: Okay. So anyway, if you want
15 me to pass this out and do whatever you would
16 like.

17 MR. PANDULA: Yes. Please, pass them out.
18 We're just going to keep going and take a
19 ten-minute break in a minute as soon as we get
20 through this.

21 MR. KOLINS: Why don't we just take a
22 break.

23 MR. PANDULA: Why don't we do that.

24 MR. KOLINS: Before you do that, let me
25 just get a little direction from you.

1 This one-page summary -- I don't have
2 enough to pass out -- but it's what's on the
3 Board there. So, you have seen that already.
4 Okay? I gave that out before.

5 What I don't have copies of -- I just have
6 the one for the record and my own -- is the
7 complaint that was in litigation that was filed
8 and settled between the parties here. So I can
9 circulate this for you to glance at, but it's
10 the only copy that I have with me right now. I
11 can provide copies if you want. But that's all
12 I have. The other stuff, I have copies for
13 everybody.

14 MR. PANDULA: Okay. Why don't you pass
15 them out.

16 MR. KOLINS: So you want me to circulate
17 this copy for you to look at. I'll be happy to
18 do that.

19 (A break was taken.)

20 MR. PANDULA: Before we actually start I
21 think intent right now is to review these
22 documents and have a motion to that affect; have
23 the Town staff and consultant make their
24 comments and any other public comment. At that
25 point, what's the board's preference? Would we

1 like to break lunch or do we want to make this
2 go away?

3 MS. HOFFMAN: Lunch, definitely.

4 MR. PANDULA: We're going to accept public
5 comments and then --

6 MS. VICTOR: All right. We haven't had a
7 chance at Mr. Kolins.

8 MR. PANDULA: Okay. So that's the plan.
9 We'll get through the staff presentation and
10 public comments, and then we'll break for lunch
11 and come back in executive session. Okay?

12 So we've got these materials here, which I
13 think we are not certifying as to anything
14 except accepting them. Would anyone care to
15 make a motion?

16 MS. WILKEY: I move that we accept
17 financial material into the record.

18 MR. PYMS: I'll second that motion.

19 MR. PANDULA: Okay. There's a motion and
20 second. All in favor?

21 (Unanimous response.)

22 MR. PANDULA: Any opposed? Thank you.

23 So, we are moving on to the next aspect of
24 this presentation which will be Ms. Day.

25 MS. DAY: Are we ready?

1 Mr. Pandula, and members of this
2 Commission, good afternoon.

3 First of all, I would like to say that
4 Ralph Johnson is a distinguished and experienced
5 professional in his field. I have known Ralph
6 for a number years. He's been very active in
7 historic preservation within the State of
8 Florida. And I once had the enjoyable
9 experience of lecturing in one of his classes in
10 Gainesville on African Bahamian Art and Texture,
11 which is a love that both Ralph and I share.

12 I'd also like, for the record -- although
13 you know me as commissioners -- put my resume
14 into the record so that we just have it, because
15 this is a quasi judicial hearing.

16 And, although, normally -- and my personal
17 resume is all about my early things, the staff
18 attorney asked me to break out from this resume
19 which says things like, since 1992, I've been
20 the preservation consultant of the Town of
21 Palm Beach. I went back and looked over my
22 notes just to let you know what I've done about
23 the works of Addison Mizner since I've been here
24 in 1992.

25 In the Town -- I did a re-survey of the

1 Town in 1997. We re-surveyed for the Florida
2 Site File and looked at over 1,200 buildings.
3 In that survey, it identified 51 structures,
4 fountains and gates by Addison Mizner back in
5 our inventory of structures that were 50 years
6 old. Some of those are landmarks and some of
7 those are not. I completed the Florida Master
8 Site File Forms on all of those properties in
9 1997.

10 I also wrote designation reports on five --
11 six properties that Addison Mizner did or worked
12 on in the Town of Palm Beach through 25 Chilean
13 Avenue, 420 Casa Vindita (phonetic), which is
14 the Mizner wall. The grand estate is no longer
15 there. Ten ninety-five North Ocean Boulevard,
16 which is the Kennedy house. Fifteen sixty South
17 Ocean Boulevard, One sixty-three Seminole
18 Avenue. And I've done Supplementary Reports
19 because in the early years, 1979, 1989, the
20 reports did not have quite as a completed
21 history as we're putting in them now.

22 I did Supplementary Reports on two Addison
23 Mizner properties. This particular property,
24 455 North County Road and 110 El Brillo Way.

25 I've also looked at Mizner's properties and

1 work that he's done outside of the Town of Palm
2 Beach. I live in Boca Raton, very close to the
3 Cloisters, so I know that property intimately
4 and have friends that live in Old Floresta. But
5 I did the Boynton Beach historic site survey for
6 the City of Boynton Beach. And Addison Mizner
7 did the Woman's Club in Boynton Beach.

8 I also did the Town of Gulfstream historic
9 survey, and looked at the Gulfstream Club as
10 part of that survey. So, I have done a lot of
11 work on Addison Mizner properties. And if you
12 remember just recently, I reviewed 1200 South
13 Ocean Boulevard, which I consider one of our
14 wins because the property owners decided not to
15 ask to demolish the property, and instead are
16 going to use the house -- it's also an early
17 Mizner -- in their redevelopment plan of that
18 site.

19 So I've offered this is for the record.
20 And that's really just to show you my little bit
21 of experience with Mizner properties.

22 I also would like to say that I think that
23 Mr. Johnson has missed the point of what the
24 Town of Palm Beach historic preservation program
25 and ordinance is all about. I'm very proud to

1 work here and have been here since 1992.

2 Our ordinance was originally passed in 1979
3 and in the wisdom of the Town Council in 1979,
4 they did not include the Department of Interior
5 standards in that original ordinance. I can't
6 tell you what their thinking was. But since
7 I've been here the last 11 years, the thinking
8 of this Board, the Chairman that I've been lucky
9 enough to serve with on the Board, has been that
10 we have to look at landmarks in the Town of
11 Palm Beach in a sense that we don't need -- as
12 Mr. Pandula said earlier, anymore house museums
13 in Palm Beach. These are properties that people
14 live in.

15 In the interiors in particular we've given
16 people a lot of leeway as to what they can do
17 with the interiors upholding the landmarks in
18 the Town of Palm Beach. And I don't believe
19 that that's compromised either how we work in
20 Town or our programs statewide. We are one of
21 the few municipalities to have won a Florida
22 Trust Award for our program. So that's one
23 thing that's different.

24 We do use the Department of the Interior
25 Standards when we're evaluating a request that

1 comes before this Board if it's to be a tax
2 abatement project and I've been kind of a
3 stickler for that. As most of you know, if
4 you're going to get tax money back on your
5 project, I really like to you use the Department
6 of the Interior Standards. And it's then we
7 have insisted on looking at interior changes to
8 the property, how it relates to the exterior of
9 the houses and also to material changes that are
10 going on in the houses.

11 This project started as a tax abatement
12 project. In the course of the presentation --
13 and that's the only reason we got to see
14 interior plans at all -- Mr. Elias backed down
15 from that because my consensus was, the interior
16 changes did not relate to the Department of the
17 Interior Standards. So he asked to go forward
18 to just do a stripped restoration project. And,
19 in fact, he had -- if you'll read in the
20 record -- called the project a reconstruction.
21 I questioned him on that term. And by the time
22 the process was over -- and we pride ourselves
23 on working very closely with architects and
24 developers and property owners -- he had agreed
25 that he we would do not a stripped restoration

1 but rehabilitation of the Munn house as it sits
2 on 455 South County Road.

3 What we have and what's sitting by itself
4 is a structure that's in the middle of the
5 process. It's really very difficult to look at
6 it now and look at just materials or Department
7 of the Interior Standards and see what will
8 happen at the end of the process.

9 One of the other things that's very clear
10 in the Town of Palm Beach ordinance is -- that
11 it says that we must only meet one criteria of
12 the four criteria in order to have a property
13 designated. And, in fact, during my tenure we
14 have designated little properties like 173 Root
15 Trail, which was designated only on Criteria A;
16 it's broad cultural history to the Town of Palm
17 Beach.

18 If a lot of you remember, it's a
19 wood-framed vernacular house that had been
20 greatly altered from its original architectural
21 character. As a matter of fact in this
22 instance, the Landmark Commission decided not
23 landmark it. The property owner wanted it so
24 badly, she went to the Town Council and they
25 agreed that on the ordinance it says very

1 clearly that if there is only one criteria, you
2 can still landmark the property.

3 I also looked back in the record at some of
4 the big and grand properties and found that in
5 the early 1980s, Mr. Grace nominated the
6 Everglades Club on only one criteria; that it
7 was designed by Addison Mizner. The
8 architectural integrity of that particular
9 building never came up in that hearing. So we
10 have a precedence of things being a landmark if
11 they only meet one of our four criteria.

12 Within Mr. Johnson's report, he picks apart
13 primarily the architectural integrity of the
14 house and doesn't address, I feel in great
15 enough detail, the importance of what this house
16 means to the Town of Palm Beach. It's not just
17 the structure. It's the intent of the
18 architect, which I think you will see we can
19 still see from the original. I'm going to show
20 you some slides in a minute. But it's also its
21 association with the broad cultural history of
22 the Town. In this case, the Munn family.

23 Mr. Munn was called Mr. Palm Beach. He was
24 on the best-dressed list for the New York Times
25 in 1949. He had dinner parties that showed

1 movies, theater movies, in his home that were
2 sought after, written up in the papers,
3 invitations to the Munn's Wednesday night at the
4 movies. He represented old Palm Beach and what
5 it was about for -- from 1919 until his death in
6 1981, his family had been here.

7 The house is also important because
8 Addison Mizner came to Palm Beach in 1918. His
9 first property that he worked on was the
10 Everglades Club. Nineteen nineteen, the next
11 year, he's building these two houses for Gurnee
12 and Charlie Munn, next door to each other in the
13 family compound. And these are the first of the
14 private property individual houses. This and
15 the Stotesbury house that was built that year.
16 They represent early Mizner.

17 I recently went to a lecture at the
18 Historical Society where they showed us the
19 grand estates like the Stotesbury house, the
20 Phipps estate. They came down because they were
21 too big and needed too much repair and no one
22 wanted to keep up the staff with them, and said
23 what a shame it was that these properties hadn't
24 been kept. Because when they were torn down in
25 the '60s, they might not have been appreciated

1 but now in 2003, they certainly would have. And
2 those of us in preservation circles see this a
3 loss. We don't want this to happen again with
4 the Charles Munn property and the way it sits on
5 the beach ridge.

6 Also within our process, we have always --
7 since I have been here in '92 --
8 allowed additions to property. And, in fact,
9 even if you want to use the Department of
10 Interior Standards, you can do additions to the
11 properties. We ask that they somehow
12 differentiate it a little. Take an element from
13 the main building, but add on to rooms that were
14 conceived of in the 1919s and 1920s is certainly
15 a way to keep the houses alive and keep the
16 buildings loved by their occupants and the
17 people of the Town.

18 We also have a history of replacing
19 windows. Particularly with new technology where
20 hurricane resistant -- impact resistant glass is
21 now available. It has been almost a blessing to
22 historic preservation in Town, because the old
23 wooden windows that had rotted and needed
24 replacing can now be replaced with a product
25 that doesn't need to be shuttered during

1 hurricane season. So we don't have to be faced
2 with something that is sometimes unsightly, the
3 shuttering process which blocks what we normally
4 would want to look at; some of this
5 architecture.

6 When I did the survey in '97 -- and I
7 worked in the summer -- a lot of the homes that
8 I looked at, you couldn't even really take a
9 decent photograph of it because the houses were
10 shuttered for the summer. That's not necessary
11 if the windows are replaced with what Mr. Elias
12 and 455 North County Road Corporation Inc., told
13 us they were going to do when they did the
14 rehabilitation of this property.

15 He also made some concessions to us in
16 that -- such as leaving the original door
17 facade, so that historically we could see that
18 the Munn house still related -- the Charles Munn
19 house -- to Gurnee Munn house next door and in
20 the same driveway. And I think that's a very
21 important thing to remember when we're looking
22 at this property.

23 Tim, if we could have some photographs. I
24 know everybody is hungry, so I'll go fast.

25 This is a published picture of the house in

1 1928, before the 1928 Hurricane hit, and before
2 Ocean Boulevard was demolished at that end of
3 the island. And as you can see, this is the
4 east facade of the property and you can see very
5 distinctly it's three bays right around a
6 U-shaped court in the middle. And the hedges
7 that come down through the center of the
8 property were leading to the front door. So
9 originally guests would enter the property from
10 the east side. Tim.

11 This is the inside of the loggia that
12 Professor Johnson showed you. Although, it has
13 been extended eight feet to the east to make the
14 room larger, it is the sunken space that we have
15 here. It was one of my arguments with
16 Bill Elias to keep it this way and not fill it
17 in. And he did not do that. And I think that
18 it still gives very much the same feel or could
19 when it was brought back that the original
20 spaces did.

21 When I talk to you tax abatement projects,
22 I often say to you that I'm most concerned about
23 the public rooms. I'm concerned about the
24 living room, the dining room, the loggias; and
25 not too much about kitchens and bathrooms.

1 Because -- or the enumerable little staff rooms
2 that it used to take to keep these houses
3 running. So we've been kind of lenient on that.
4 But on the main rooms of the house, this space
5 is still there, albeit, enlarged eight feet to
6 the east. But it could be brought back to
7 exactly this state if one wanted to do it. The
8 dining room is still in the same place. The
9 living room is still in the same place. A media
10 room as been added, beyond, past the fireplace.
11 Tim.

12 In 1995, the Supplementary Report to the
13 house at 455 North County Road, this was the
14 position -- this is what the house looked like.
15 All shuttered up and it had this addition in the
16 middle of the U-shaped court room that was added
17 sometime in the late 40s or early 50s. Bob
18 Fasio worked on it. But this is shut. This is
19 what the house looked like right after the first
20 approvals of the Landmark Commission in the year
21 2000. I tried really hard to document what the
22 process was going on. And this is immediately
23 after that 40s, 50s addition was removed, and
24 before the roof was taken off, and before some
25 of the other things that were done to it. But

1 we still have the documentation. We still have
2 plans. This house could still be brought back
3 to what, I think, that the folks from the 455
4 North County Road preservation wanted to do and
5 just never got around to finishing for whatever
6 reasons; be they financial or whatever.

7 This is what the house looked like a year
8 later. This is when we were starting to find
9 problems. And you as Commissioners were saying
10 to Tim Frank and I, it's time to go out there
11 and find out what's going on there. They are
12 awfully slow.

13 But you can see that even though the east
14 wall has been brought out, it still maintained
15 the bays, the four bays that go across. And, in
16 fact, they eliminated a cabin corner
17 bar addition that had been done inappropriately,
18 sometime during the Munn's tenure, over to the
19 southwest portion of that U-shaped courtyard.
20 The roof is off. The inappropriate additions
21 are gone. The movie screen projector room that
22 was hanging off the back has been taken away.
23 But when they got into it at this point is when
24 they started to see that there is a lot
25 structural problems here. And, in fact, Tim and

1 I on a trip to Tallahassee met with Walt Marter
2 (phonetic) who told us, keep the original
3 materials there and shore it up next to it, so
4 that someone -- an architectural historian -- if
5 the future could come by and see well, gee, it
6 was original a hollow plate tile building.
7 We're adding something new because that's
8 deteriorated. Tim.

9 And this is what the house looked like when
10 Ms. Victor and I visited last week. It's not
11 much different in the shape that it was in a
12 year ago, just prior to hurricane season when
13 Tim and I went out there, and two thirds -- can
14 you go back one, Tim? It's really about the
15 same. The only difference that's happened here
16 is weather over this year.

17 But I still think that structurally --
18 perhaps not the floors but certainly the
19 exterior walls and the shell of the property are
20 still in shape that this restoration project --
21 this process that's in the middle of happening
22 could go on.

23 That was the east facade. My contention is
24 we're going to look at that because that was the
25 original entrance. This is the north facade and

1 the entrance that was originally on this
2 building when Charles Munn lived there and how
3 it relates to the property next door.

4 This is, again, the year 2000. That was
5 2000. This is 2001. So you can see what
6 they've changed here. They got permission from
7 you -- and I didn't think this was the best idea
8 at the time -- but we decided that it would open
9 up the whole tower element. They added some
10 extra fenestration at the tower. But other than
11 that, all of the fenestration, all of this
12 facade were just like they were when the house
13 was lived in and when the house was designed by
14 Mizner.

15 Here is that infamous southwest corner
16 where the addition is going to go. And this is
17 before the addition was added. The fireplace at
18 that point is in the living room. Through the
19 three arches in the center, there was a stairway
20 that came down allowing the folks that lived in
21 the house access to their pool, which was down
22 at the lower level.

23 But Mr. Elias successfully presented here
24 was that you needed for a Palm Beach house a
25 grand entrance by automobile. And that he was

1 going bring a big driveway on this facade. And
2 there he put what was his new grand stairway.
3 This was the part of his presentation that lost
4 him the tax abatement. This is the part of his
5 presentation that we said in discussions,
6 perhaps you have gone too far. And his response
7 was that he would go back to the regular
8 ordinance. Not do the Department of Interior
9 Standards. Treat it like a regular landmark for
10 the Town of Palm Beach, and we would no longer
11 have jurisdiction really over the interiors.

12 Here's how it looked last week when the fox
13 came out to greet Ms. Victor and I. So the
14 wildlife is enjoying the estate of the three
15 acres regardless of whether the rest of the
16 public is.

17 This is an interior of the house when
18 restoration started. And you can see the hollow
19 plate tile around the fireplaces. This hollow
20 plate tile as it is in other houses -- one I
21 just looked at, at 1200 South Ocean -- is
22 crumbling. At the Clark house, it's crumbling.
23 It's a material that really didn't last as long
24 as people thought perhaps it might. But it
25 means something to restore it and make the

1 houses structurally sound. More details of
2 that.

3 And, again, still there. Some of the
4 design details are still there. The mantels
5 that Mr. Johnson showed us are still in the
6 house. Only now -- if you'll go back, Tim.
7 Only now you can see how the new addition that
8 infamous southwest corner -- yes, southwest
9 corner -- you can get on either side of the
10 fireplace that they left intact, and you can
11 walk on either side of it.

12 Back to the two-story addition that
13 contains the media room, and below a garage in
14 which the house did not have. This is the
15 stairway that I argued to save. It was not
16 block. It was concrete that was scored. It has
17 been removed. But it's not impossible to put
18 these things back.

19 My contention is that the scale of the
20 house, the basic form of the house, the three
21 bay entrance on the front of the house, the
22 fenestration of the house is basically as it was
23 when Addison Mizner was alive. And it could be
24 brought back should someone want to do a
25 rehabilitation as what was presented to this

1 Commission by Bill Elias as a representative of
2 455 North County Inc.

3 I think it was another thing, you talk
4 about Mizner looking for Old World charm when
5 Addison Mizner started at Mizner Industries in
6 West Palm Beach to manufacture Old World charm
7 and to use the most updated materials in the
8 world, so that he could pretend that these were
9 Old World mansions. He made the stuff across
10 Lake Worth and brought it over here to some of
11 these houses. He was -- he probably would have
12 loved the hearing all day long today.

13 But my contention to all of you is that --
14 first of all, I don't believe the house has lost
15 it's architectural integrity. I honor what you
16 do and the time that this Commission gives to
17 this Town in reviewing these projects. And I
18 know that this project was a difficult one for
19 all of you to look at, and that you are being
20 pulled in two directions from a developer who
21 said he had an owner who only wanted to buy,
22 which we're hearing again today.

23 Again, the only people who want to buy it
24 is if the house is gone. I'm trying to do
25 what's best for preservation of Palm Beach.

1 You have t look at the house in context.
2 You have to realize that it's designated under
3 Criteria A, the broad cultural history of the
4 Town of Palm Beach. It is one of those three
5 early Mizner's from the first year that he was
6 doing residentials in 1919. It is related to
7 Charles Munn, who -- in one report said --
8 started the trend for blue blazers and tassels
9 loafers. And brought a more casual look to
10 Palm Beach. This is what cultural mystery is
11 all about. How we live and work and play. Not
12 just what our structures look like.

13 It's also still -- you might say meets
14 Criteria C for its architectural integrity. And
15 it certainly meets Criteria D. Its association
16 with Addison Mizner. This house is still called
17 the Munn house. It's still is known as an
18 Addison Mizner. The brother to the house next
19 door, physical human being brothers, but the
20 houses are really brothers, too. And when you
21 stand down on the beach -- as Ms. Victor and I
22 did -- and see the proximity of the houses and
23 see how they relate to one another, that's part
24 of the importance of what this site is all
25 about.

1 My recommendation is that you do not
2 de-designate -- undesignate this property. That
3 even if you can quibble at this moment it's
4 still a shell and you didn't philosophically
5 look at it as being a structure in the process,
6 it's still meets Criteria A and Criteria D of
7 our ordinance. I still contend that the
8 Department of Interiors Standards are not in our
9 ordinance, and you weren't under any obligation
10 to look at them as you reviewed this property.

11 As far as the financial information is
12 concerned, that was brought here today without
13 staff looking at it. We didn't have a chance
14 to review any of it. See what precedent there
15 is for that within the Town. And as Mr. Moore
16 pointed out to you, your responsibility is to
17 landmark structures in the Town, and not t
18 people's individual circumstances or finances.
19 You negotiated in good faith with Bill Elias,
20 and his team to do the rehabilitation of this
21 property. And I think that all it is, is a
22 property that's still in the process of that
23 rehabilitation that you approved and that it
24 should go forward. And this, again, can be one
25 of the great houses of Palm Beach.

1 MR. PANDULA: Thank you. Anyone have a
2 question?

3 MR. FRANK: Mr. Chairman?

4 MR. PANDULA: Yes.

5 MR. FRANK: In continuing of the
6 presentation, I'm following up with Ms. Day,
7 there's a few points that I'd like to make that
8 are supplemental to her. I know we're all
9 anxious to get to lunch. So I'll try to keep
10 them brief.

11 But I think it needs to be pointed out,
12 too -- and I'm referring to the -- I'm referring
13 to some of the presentation by Professor
14 Johnson. And that being that he talked about
15 architectural integrity -- excuse me -- he's
16 talking about the architectural integrity has
17 been compromised on this house. Being a teacher
18 myself, I know that I've talked about this a
19 number of times to the students, and I think I
20 need to do it now.

21 I want to separate structural integrity
22 from architectural integrity. These are two
23 different concepts. And there's no doubt in my
24 mind that the structural integrity of this house
25 has been compromised by many actions. Some by

1 mother nature and some by the people that have
2 been associated with it. But I don't believe
3 that the architectural integrity has been lost
4 at all. And that's essentially what I'd like to
5 point out at this point.

6 As Jane went through the slides, she
7 pointed out how the original house developed,
8 and it got to the point after or just before
9 Ms. Munn died. In this particular photograph
10 that I'd like to show you, this is the east
11 elevation, and the center portion on here is
12 actually an addition that came later on. It was
13 part of Mr. Elias' plan -- and a lot of times
14 people talk negatively about them. I think it
15 was Shakespeare that said, evil men knew it was
16 after them and good is off and tore into their
17 bones (sic).

18 Let's talk about what Mr. Elias did do. He
19 removed this center section and he returned it
20 to a real true colonial -- or I'm sorry -- a
21 real true Mediterranean revival-type house.
22 Because he returned the courtyard to the
23 concept. And us who study history of
24 architecture know that that's a very important
25 concept. I could even argue that -- and these

1 are pictures showing that unsavory addition
2 removed. I can even state that probably for the
3 first time in 20 years or so, the house more
4 closely resembles the Mizner that it ever did in
5 that 20-year span. So essentially, I believe
6 that the architectural integrity of this house
7 is intact. We're talking about criteria three.
8 And I think that needs to be taken into
9 consideration.

10 Also, under criteria number four that is
11 associated with architecture, and that it is
12 still representative of that work; the work of a
13 master builder; of an architect who has
14 influenced his age. I don't think anybody is
15 going to argue with us that Addison Mizner
16 influenced his age.

17 When you look at the structure even in this
18 state and Ms. Day pointed out. All the windows
19 and fenestrations on the very important east
20 facade, are not only as they were originally but
21 they were returned to original Mizner design
22 state. In the other facades, the same thing is
23 true except for the west facade, which we have
24 all said when the house was built, it was the
25 back of the house. And actually that addition

1 was brand new. It was put on -- I'm looking at
2 the wrong one -- this the north elevation here.

3 This addition was put on by the applicant;
4 by the people who own the house right now. And
5 it was done so, as Ms. Day stated, with the
6 approval of this Commission, which is a
7 certified Commission under state statute and we
8 have architects on the Commission.

9 Now I can tell very clearly where the
10 addition is here and where the original was. So
11 anybody studying this structure is going to know
12 that this is Addison Mizner. And they're also
13 going to know by looking at this structure what
14 is not Addison Mizner.

15 Now as far as the economics are concerned,
16 we've brought it up from time to time, but we
17 don't think that's part of the application. We
18 weren't submitted any economic information in
19 advance.

20 But I am going to bring up one thing
21 because I think it's relevant. I was not going
22 to make this part of my presentation, but it's a
23 conversation that I had with Mr. Elias. And
24 essentially since Mr. Kolins brought up a
25 statement by Mr. Elias -- I'm sure that he's

1 going to object to this, just as we objected to
2 him because we can't cross-examine Mr. Elias --
3 when I talked to him, I tried to encourage him
4 to come to this meeting and speak on behalf of
5 our request to not allow this undesignation. He
6 stated to me that he couldn't because of certain
7 circumstances that are involved. But he said at
8 that time that he still believes that the
9 project is economically viable. And that he
10 wishes that he was still involved in this
11 exciting project.

12 MR. KOLINS: I would like to register --

13 MR. FRANK: I would just like to say that
14 this is a he-said, she-said situation and I
15 don't want to get into with that.

16 MR. KOLINS: Mr. Chairman --

17 MR. FRANK: But I think it's relevant that
18 we put that on the record just like Mr. Kolins
19 put his conversation on the record. Because
20 what Mr. Elias said to me was something totally
21 different than what was presented to you this
22 morning.

23 MR. KOLINS: I would object to hearsay
24 grounds simply because the same was done to me.
25 So let the record reflect my objection.

1 MR. PANDULA: Thank you.

2 MR. FRANK: Mr. Chairman, that concludes
3 the staff presentation.

4 MR. KOLINS: May I ask a question or two of
5 Mr. Frank, Mr. Chairman?

6 MR. PANDULA: Yes, if you want to.

7 MR. MOORE: Yes. He has the right to
8 cross-examine.

9 MR. PANDULA: I have some questions, but go
10 ahead.

11 MR. KOLINS: I have a few and very simple
12 questions.

13 Tim, if I heard you correctly -- and if I'm
14 wrong, I know you'll correct me if I'm wrong --
15 if I heard you, you indicated that the fact that
16 a home or structure is a Mizner structure makes
17 worthy of landmarking; is that correct?

18 MR. FRANK: That's one of the criteria.

19 MR. KOLINS: Well, does that alone make it
20 a structure worthy of landmarking?

21 MR. FRANK: Of course not.

22 MR. KOLINS: Okay. Just one or two more
23 quick question.

24 MR. FRANK: But it could. Our ordinance
25 allows only one of the criteria has to be met.

1 So the fact that it is a Mizner structure -- if
2 you look into our ordinance -- it can be
3 designated as a landmark on that. And it is up
4 to you as a person who is applying for
5 undesignation to show that that no longer
6 exists.

7 MR. KOLINS: Okay. So would it be your
8 opinion that a structure in Palm Beach -- any
9 structure. I'm not talking about any one in
10 particular. It could be a home or some other
11 kind of structure that was designed by Mr.
12 Mizner, even if it didn't meet any of the other
13 criteria, it would be by having met the first
14 criteria -- being designed by Mr. Mizner --
15 could be landmarked; is that right?

16 MR. FRANK: Yes, that's correct. And also
17 I'd like to add that I believe that was part of
18 Ms. Day's presentation.

19 MR. KOLINS: I'm asking you.

20 MR. MOORE: Mr. Frank, I don't think you
21 are testifying as an expert. I think your
22 opinions, while they are not relevant to this
23 testimony, you're just testifying as to actual
24 evidence.

25 MR. KOLINS: Excuse me.

1 MR. FRANK: Yes, that's correct.

2 MR. KOLINS: It's your opinion that it's
3 relevant or not doesn't count, with all due
4 respect. Okay? I'm entitled to ask him these
5 questions.

6 MR. MOORE: I don't agree.

7 MR. KOLINS: If I understood your answer
8 correctly -- I'm not trying to be tricky -- if a
9 structure --

10 MR. FRANK: You're not trying to be tricky?

11 MR. KOLINS: If a structure is a Mizner
12 structure, notwithstanding, anything else and
13 notwithstanding the criteria, it is landmarked
14 (sic); is that your testimony?

15 MR. FRANK: No.

16 MS. WILKEY: No. That's not what he said.

17 MR. FRANK: Absolutely not. Because what
18 you just said is, if it's a Mizner structure,
19 it's landmarked. I wouldn't agree with that --

20 MR. KOLINS: Landmarkable.

21 MR. FRANK: It is not necessarily
22 landmarkable, but it is one of the criteria
23 under which this Commission could find it met
24 that made it landmarkable.

25 MR. KOLINS: But standing?

1 MR. FRANK: But I'm not the person who
2 decides whether a structure is landmarkable or
3 not. That is this Commission.

4 MR. KOLINS: Yes. But I'm asking you since
5 you are testifying.

6 So if something is designed by Mr. Mizner,
7 that alone does not make it landmarkable; is
8 that correct? Because in your answer, the
9 converse has to be true, right?

10 MR. FRANK: I think my answer was that that
11 alone could be deemed by this Commission as a
12 landmark.

13 MR. KOLINS: If that alone is sufficient
14 justification for a property to be landmarked,
15 then why would not every Mizner structure be
16 landmarkable under that criteria alone?

17 MR. FRANK: I've already answered that
18 question.

19 MR. KOLINS: Not to my satisfaction. So
20 try it again.

21 MR. FRANK: I hope it means you're
22 satisfaction because that is one of the criteria
23 under which this Commission might find a house
24 landmarkable in your terms. But that doesn't
25 necessarily mean that because an architect was

1 associated with a project -- I might give
2 Mr. Pandula as an example. Some of his
3 structures that he's designed today might be
4 landmarkable in the future and he might be
5 associated with them but there might be other
6 things involved in his structures that this
7 Commission might deem that don't make it a
8 landmark.

9 MR. KOLINS: Such as?

10 MR. FRANK: Such as the design.

11 MR. KOLINS: So, do you know --

12 MR. FRANK: Or the use of materials or all
13 of the other criteria that are in our ordinance.

14 MR. KOLINS: So what Mizner structure in
15 Town would not qualify for landmarking because
16 of materials, design, or some others factor?

17 MR. FRANK: One of them that I can think of
18 is the house on Brazilian Avenue. I don't know
19 the number of the house. But we landmarked the
20 wall. But the house was also designed by him
21 and we thought that the design of the structure
22 was such poor, you know, practice that the
23 Commission in its wisdom decided to landmark the
24 wall and not the structure.

25 MR. KOLINS: So there could be a Mizner

1 structure, the design of which or the status of
2 which was so that notwithstanding his being the
3 architect, it should not be landmarked, right?
4 Is that basically what you said?

5 MR. FRANK: It could be.

6 MR. KOLINS: Is that a yes or no?

7 MR. FRANK: Yes. It could be.

8 MR. KOLINS: Okay. That's what I just want
9 to know.

10 Let me just ask you one or two other
11 questions, okay?

12 MR. HANLON: Just to confirm -- Ron, just
13 to confirm your testimony that it's the Landmark
14 Preservation Commission that makes that
15 determination and not you, correct?

16 MR. FRANK: Yes. I stated that earlier.

17 MR. KOLINS: Would you like testify further
18 or can I go on?

19 MS. VICTOR: You get a chance to go after
20 him.

21 MR. KOLINS: I know you're waiting for
22 that. You'll get your chance, I assure you.
23 Let me just go on.

24 You are the staff director for the
25 Landmark's Commission, right?

1 THE WITNESS:

2 MR. FRANK: I believe my title with the
3 Town is planning administrator. And as one of
4 my duties I coordinate the activities of this
5 Commission.

6 MR. KOLINS: And you have worked for the
7 Commission for how long?

8 MR. FRANK: Fifteen years.

9 MR. KOLINS: And you're an architect by
10 education?

11 MR. FRANK: I am an architect by education.

12 MR. KOLINS: Tell me something, are there
13 circumstances under which de-landmarking a
14 residence would be appropriate or de-designating
15 a residence would be appropriate?

16 MR. FRANK: I believe that the ordinance
17 states that for a property to be undesignated,
18 the procedure has to be the reverse of
19 designation.

20 MR. KOLINS: Right. But are there
21 circumstances in this Town that you have ever
22 come across in your 15 years where a residence
23 was deserving of de-designation or
24 de-landmarking?

25 MR. FRANK: Are you asking my opinion or

1 are you asking if that's been done?

2 MR. KOLINS: Well, let's do both. Let's
3 start with your opinion.

4 MR. FRANK: In my opinion, I'm not aware of
5 any, but it has been done.

6 MR. KOLINS: What would be the
7 circumstances under which it would be
8 justifiable to de-designate a residence that was
9 previously landmarked in your view and based on
10 your --

11 MR. FRANK: I believe that the
12 circumstances might be, you know -- might be
13 just as the ordinance states. If it's found
14 that the criteria for being landmarked are no
15 longer existent, then that landmarking could and
16 should be removed.

17 MR. KOLINS: Okay. And in terms of the
18 architectural integrity of a structure, is there
19 anything short of demolition the structure,
20 itself? Is there anything that you can conceive
21 of that would justify de-designation?

22 MR. FRANK: I believe that if we are
23 talking about the architectural integrity
24 criteria alone -- which is not this case -- if
25 we are talking about that alone, I would follow

1 Mr. Johnson's scenario. I believe that if it
2 would have been altered over the years to an
3 extreme amount, it may not any longer have its
4 architectural integrity; therefore, that
5 criteria might be lost. However, as you
6 probably listened, it was testimony that, in
7 fact, didn't even happen.

8 MR. KOLINS: But how could that ever happen
9 in this Town, Mr. Frank? Because if you have a
10 landmarked property, you cannot do anything to
11 it without the approval of this Landmark's
12 Commission, correct?

13 MR. FRANK: No.

14 MR. KOLINS: Not correct?

15 MR. FRANK: You can make changes to the
16 interior of the house. You can make changes to
17 the exterior with the staff approval. You can
18 continue to maintain the house. You said, not
19 do anything.

20 MR. KOLINS: All right.

21 MR. FRANK: There is a whole litany of
22 things that you could do to a structure without
23 the approval of the Landmark Commission.

24 MR. KOLINS: But are there any of those
25 things that you could lawfully do to a landmark

1 structure of such a magnitude that the result of
2 those actions would destroy its architectural
3 integrity?

4 MR. FRANK: That you could lawfully do?
5 Theoretically, no.

6 MR. KOLINS: Okay. Therefore, in order for
7 a landmark structure to lose its architectural
8 integrity, it would have to be done with the
9 approval -- lawfully -- it would have to be done
10 with the approval of this Board, correct?

11 MR. FRANK: Yes.

12 MR. PANDULA: Wait a minute. I'm sorry.
13 That was such a question and it made no sense at
14 all.

15 MR. KOLINS: No? Let me rephrase it
16 because I want you to understand.

17 (Talking simultaneously.)

18 MR. KOLINS: Let me make clear to you all.
19 I don't want anybody to be unclear. I know I
20 can be unclear.

21 The question was -- and the point of the
22 question is this: To the extent that if you own
23 a landmarked residence in the Town of Palm
24 Beach -- as Tim has told us -- there are certain
25 things that you can do, either on your own or

1 with staff approval to that residence without
2 the approval of this Board?

3 But as he testified those things are not of
4 such a magnitude that they, themselves, would
5 undermine the architectural integrity of any
6 structure. There is just nothing you can do
7 lawfully that would undermine the architectural
8 integrity? You are very limited in what you can
9 do without the approval of this Board?

10 So my next question is: That being the
11 case, the only way that the architectural
12 integrity could be undermined for a landmarked
13 residence would be to take a more action in
14 connection with that structure and the only way
15 to do that lawfully would be with the approval
16 of this Board? Because they couldn't do it
17 without the approval of the Board. And you said
18 yes. And I think that's right.

19 MR. FRANK: I think there would be an act
20 of God.

21 MR. KOLINS: Okay. Sure. I'll modify the
22 question. Short of an act of God.

23 So in short, the point is and my question
24 to you: Short of an act of God and short of
25 unlawful act by someone, no landmark structure

1 in this Town could ever lose its architectural
2 integrity unless this Board allowed things to be
3 done to it that undermined the architectural
4 integrity, right?

5 MR. FRANK: I think the question of
6 architectural integrity is one for the Board.
7 You're asking me for my opinion and I think I've
8 stated --

9 MR. KOLINS: I'll move on.

10 MR. PANDULA: I'm not sure if I'm allowed
11 to jump in here now.

12 MR. KOLINS: Not really. But okay.

13 MR. PANDULA: That's like, when did you
14 stop beating your wife question. We did not
15 approve work that would undesignate the house.
16 We approved the project. In the end, somebody
17 decided to not carry it forward and stop. So we
18 did not approve that.

19 There is an approval in place for work to
20 be done, which if others lived up to their
21 obligations would then occur and the project
22 would not lose its designation. So we didn't
23 say, start the project and stop at some
24 arbitrary point in time which has occurred.

25 MR. KOLINS: There is a sense --

1 MR. PANDULA: And he has no answer to that.

2 MR. KOLINS: There is an answer. And
3 here's my point. This is being taken out of
4 context. Okay? My point of these questions is
5 not to say that this Commission did anything
6 wrong. That's not the point.

7 The point is, there is a de-designation
8 process in this Town in the code and it has to
9 have meaning. In fact, other structures have
10 been de-designated in the past. And, therefore,
11 there has to be a way to do it. Circumstances
12 under which it is okay. And I'm just trying to
13 get there. I want to reiterate to you -- and
14 I'm going to move off this. I have another
15 question. I just want to make it clear, again,
16 because I don't want --

17 MS. VICTOR: You said that 20 minutes ago
18 and we're not getting a chance to rebut you.

19 MR. KOLINS: Well, that's up to the
20 Chairman. All I want to make clear is, I have
21 not said anything intended -- nor will I,
22 because it's not my position -- that your
23 approval of what was done to get the house to
24 where it is was something you should be blamed
25 for. I'm not saying that. I never said it.

1 I'm not saying it. That's not my point.

2 On the same token, I have to explore the
3 grounds pursuant to which you can de-designate a
4 house or otherwise you've got a section of the
5 code that is absolutely meaningless. And I
6 don't think it is meaningless. There has to be
7 circumstances under which you can do this. My
8 argument to you ultimately will be that this
9 situation constitutes those circumstances. You
10 may agree or disagree. But there have to be
11 circumstances. Mr. Frank doesn't want to
12 respond to it, there are, but he doesn't know.
13 That's okay. I'm asking him questions. Not
14 Ms. Day.

15 MR. MOORE: If I might, just one moment,
16 Mr. Chairman.

17 Just to reiterate the ground rules of quasi
18 judicial hearing. You sit here as Board -- you
19 being the Chairman thereof and as judges --
20 Mr. Kolins is allowed a certain amount of
21 latitude and your attorney has already advised
22 you to allow him a certain amount of latitude.
23 But the question of you interrupting him, just
24 like any other judge can interrupt any other
25 lawyer and any other courtroom is your right as

1 the Chairman.

2 It's not Ms. Victor's right as a member of
3 the Board without going through the Chairman.
4 But it is your right, Mr. Chairman, to interrupt
5 any of the attorneys that are here or the staff.
6 Thank you.

7 MR. KOLINS: I have two more quick
8 questions.

9 Now that Mr. Supreme Court Justice,
10 Mr. Moore, has spoken, I prefer to proceed.

11 MR. PANDULA: I've got a wooden mallet up
12 here.

13 MR. KOLINS: At the end, I'm just going to
14 ask him to put this in context and that's part
15 of the process.

16 Is there a difference between restoration
17 and replication? And, if so, what is the
18 difference, as you see it?

19 MR. FRANK: Restoration is a term that we
20 use in the field. Restoration means bringing it
21 back to essentially the same way it was. I've
22 heard the term "replication" used today, and I'm
23 not familiar with that term with regards to it
24 being used in the practice of architecture.

25 MR. KOLINS: It might not be but just to

1 clarify to me when I use the term. You take
2 something and you copy it somewhere else, it's a
3 copy?

4 MR. FRANK: Depending on your definition.
5 I'm stating to you --

6 MR. KOLINS: Fair enough.

7 MR. FRANK: I'm stating to you in the field
8 of architecture, we do not use that term.

9 MR. KOLINS: Okay. And my final question
10 is: Can a landmark residence require so much
11 improvement -- whether it be within the codes or
12 because it's deteriorating or whatever the
13 situation -- that it must lose its landmark
14 status? That the work that needs to be done
15 is such that it loses its landmark status? Is
16 that possible?

17 MR. FRANK: Yes.

18 MR. KOLINS: Okay. That's all, Tim.
19 Thanks a lot.

20 MR. PANDULA: Okay. Does anyone have any
21 further questions of either Tim or Jane? Okay.
22 Just two or three for Jane, I think.

23 I think you may have mentioned this in your
24 speaking. But I made some comments earlier
25 where I thought it was important, the

1 relationship between Gurnee-Munn house and the
2 Charlie Munn house; do you agree with that?

3 MS. DAY: I agree with that in two
4 perceptions.

5 First of all, from a historical perspective
6 for tier one or A; that these were two brothers
7 who were prominent in Town and from that social
8 and cultural perspective it's important. And
9 from Criteria C, or three is architectural
10 integrity, because those two houses -- the
11 volumes, the scale, the placement of entrances
12 on the side all were designed together to relate
13 to one another. And if one is gone, the other
14 is lessened in value.

15 MR. PANDULA: Okay. Thank you. And the
16 other question had to do with Department of the
17 Interior Standards and not additions to landmark
18 houses, but is there a distinction between
19 additions that are done to Mediterranean revival
20 styles as opposed to perhaps a more rigorous
21 styles of architecture? Is there some
22 additional latitude available?

23 MS. DAY: Absolutely. It has to be looked
24 at in context. I think it was Addison Mizner
25 who said that he wanted these properties to look

1 like that they had been inhabited for
2 generations with different additions that
3 happened to the property over time.

4 So I think we have a little more leeway on
5 the not quite so formal Mediterranean revival
6 styles as this early Mizner is than we have on
7 Georgia revivals or other structures of that
8 type. You would look at it differently how you
9 would place the addition. And there is also a
10 different philosophy should you completely
11 differentiate it from the original structure;
12 for, example, put a modern addition on this
13 building or should you make it so that it looks
14 like it had always been there.

15 Philosophically the Town of Palm Beach and
16 this Commission has gone with the latter way of
17 doing it; they have wanted the additions to look
18 like -- more like the style of the original
19 house. And I also have the definitions of
20 rehabilitation, restoration, and reconstruction
21 if you would like to hear them. They are only
22 one sentence each.

23 MR. PANDULA: Sure.

24 MS. DAY: Rehabilitation -- these are from
25 the Secretary of the Interior Standards --

1 rehabilitation acknowledges the need to alter or
2 add to a historic property to meet continuing or
3 changing uses while retaining the property's
4 historic character. That's what Mr. Elias said
5 he was going to do was a rehabilitation.

6 Restoration depicts a property at a
7 particular time of its history, while removing
8 evidence of other periods.

9 Reconstruction -- the third one -- all of
10 these are mentioned in our ordinance --
11 recreates vanished or non-surviving portions of
12 a property for interpretive purposes. So that's
13 what your Three Rs are.

14 MR. PANDULA: Okay. So in terms of
15 rehabilitation of this project in a
16 Mediterranean style in your experience, the
17 action that the Commission took was --

18 MS. DAY: Was appropriate.

19 MR. PANDULA: But was it also
20 commencerative (sic) of other actions that we've
21 taken? Were we consistent in how we approached
22 this project?

23 MS. DAY: You have been consistent since
24 1992 on how you approached these projects, how
25 you have allowed people to add onto projects,

1 how you have taken presenters at faith that they
2 would follow through on what they said they were
3 going to do, and what their architects presented
4 to you.

5 MR. PANDULA: Okay. Anyone else?

6 MR. PYMS: I have one question. I believe
7 you may have already answered this. But do you
8 believe that the collectivity of changes and
9 additions has in any way compromised the
10 historic value of this property?

11 MS. DAY: No.

12 MR. PYMS: Thank you.

13 MR. PANDULA: So the last item here before
14 we break for lunch would be for any persons from
15 the public who wish to make a statement or say
16 anything.

17 MR. KELLOGG: My name is Chris Kellogg. I
18 live -- I'm a resident of Palm Beach. I live in
19 my great grandfather's house, the Gurnee-Munn
20 house, and the address of that house for 80
21 years was 455 North County Road. The Town --
22 because of the confusion between the two
23 houses -- and actually when Dorothy Munn's
24 medicine didn't show up one night -- the Town
25 changed the numbers. And now is 475 North

1 County Road.

2 My aunt lives in the house that my
3 grandfather built on the ocean. And I wanted to
4 give a little background from my point of view
5 on the history of the house.

6 My family sold the landmark estate with the
7 knowledge that the home would be forever
8 preserved. And by selling it landmarked, they
9 sold it at a discount to what it would have
10 gotten. And I spoke just a few minutes ago
11 before the meeting to a close friend,
12 Atwater Kent (phonetic), who had a home on Clark
13 Avenue and has been a resident of Palm Beach for
14 quite a while. He said that when you buy a
15 property that has a deed restriction, it's sold
16 at a discount.

17 And Dorothy -- I think the estate sold as
18 property at a discount to the family and there
19 is a covenant that was placed on the property.
20 And I think Dorothy Munn had concerns for the
21 historical preservation. In fact, she
22 autonomously gave \$300,000 to the Historical
23 Society to save the building, the court building
24 in West Palm Beach.

25 MR. MOORE: It's not antonymous anymore.

1 MR. KELLOGG: Maybe I shouldn't have said
2 it.

3 I hate to see this lovely landmark known as
4 Amado torn down. And that's why I'm here. The
5 developer was given many, many exceptions and
6 much leeway I heard this morning in developing
7 the property. It was given a trust and an
8 understanding that in good faith it could keep
9 the integrity of Mizner. He has violated the
10 trust and therefore, his trust should be
11 rescinded and the structure and architecture
12 restored to its former status.

13 I believe that if this is not done, this
14 committee would be perceived in this community
15 as a joke. I hate to say that. I mean, this is
16 a very serious decision that's going to be made
17 today. If it let's a famous Mizner be torn down
18 by the developer, the committee can't go back
19 and save things like the Fasio home written up
20 in the paper on Sloan's curve that Bill Hope
21 tore down. But it can save this house. It's my
22 hope that you will do so. My grandfather built
23 Lauana (phonetic) next to Amado in 1919 named
24 after his wife, my grandmother, Louise Lauanaker
25 (phonetic) and that's where he got the

1 combination of those two names. His brother,
2 Charlie, shared a common drive and that area,
3 this developer has even refused to recognized
4 has built an offensive 6-foot tall wall right up
5 to the front door of my aunt's house.

6 In a meeting that I attended with Mr.
7 Elias, he told my aunt, who is 91 years old, if
8 you don't like it, you can tear down your tennis
9 court and put a driveway through it. It was a
10 pretty unpleasant meeting.

11 Anyway, I live in a Fasio home that was
12 built in 1936, known as "The Lot." It's a
13 smaller home in front of the property. All
14 three homes had saltwater pools. Two of them
15 still do; mine and my aunt's. All three homes
16 had beautiful vegetable gardens and landscaped
17 with native plants which really gave it very
18 restful feeling.

19 Charlie Munn married Dorothy Spirkles
20 (phonetic) of the San Francisco sugar fortune.
21 She was very excited to go to that house as a
22 child and after dinner see some of the movies
23 that were mentioned earlier in the large living
24 room. Amado has those splendid cypress beams
25 and ceilings. My cousin, Rody Barron,

1 (phonetic) bought the Gurnee-Munn house -- Rody
2 is the son of my Aunt Lauanaker -- and so the
3 house stayed in the family and is in the family
4 today.

5 I hope that today will be the beginning
6 restoration of the restoration of Amado.

7 I want to make a few other comments on what
8 Ron Kolins said just to correct the record.
9 It's pretty interesting listening to a lot of
10 what I call hocus-pocus. One of the things that
11 came up was that there was a lawsuit around 1980
12 to stop the landmark designation. I remember
13 those times quite well.

14 Charlie and Gurnee Munn were concerned
15 about this new landmarking and they were afraid
16 of losing the private property rights. There
17 was a fear of losing control over the property
18 and that was the objection at that time. There
19 was also a big garage on the property that has
20 been torn down.

21 Mr. Kolins suggested that this was a
22 Chapter 7 or 11 situation. Well, in that case
23 one liquidates the holdings and pays off the
24 creditors if that's what he's suggesting. That
25 might be the answer, too, for everybody here.

1 I don't know why he wants to tear it down.
2 The only reason to tear it down is for a
3 developer to try and subdivide and get more
4 money. I mean, this is what we are here to
5 discuss.

6 When Mr. Elias gave his presentation to my
7 aunt, these are the numbers that he presented.
8 He said that the house that he was going build
9 was going to sell for some 40-plus million
10 dollars, and that would be -- if what was
11 suggested this morning, 10 million --

12 MR. KOLINS: At this point, I'm sorry. I
13 must interrupt. There has been a lot of hearsay
14 said so far, which I object. We're getting into
15 more now. I'm going to object to it. This
16 gentleman, Mr. Kellogg, is a relative to the
17 Munn family and hasn't any right to be
18 presenting data and testimony through the
19 hearsay method. And I don't think he should be
20 allowed to continue.

21 MR. PANDULA: Well, we've had enough
22 hearsay, so why don't you finish yours at this
23 point and I'll allow it.

24 MR. KELLOGG: Just that the numbers I heard
25 this morning showed for a \$16 million profit on

1 the project if it went through. So once again
2 it's just considered to be a money situation
3 that we're talking about. Thank you for your
4 time.

5 MR. PANDULA: Thank you.

6 MS. VICTOR: Thank you.

7 MR. KOLINS: May I ask a question or two of
8 Mr. Kellogg?

9 MR. MOORE: Under public comment, I'm not
10 sure that Mr. Kolins has the ability to do that.
11 He's not presenting testimony. There is no
12 cross-examination of public comment.

13 MR. KOLINS: Excuse me. And I'll defer to
14 your attorneys. But I think anyone under oath
15 testifies at a quasi judicial hearing can be
16 questioned. That's my understanding. If I'm
17 wrong, your attorney --

18 MR. MOORE: I will also defer to the
19 attorney who represents the Board. However,
20 under public comments, I do not believe there is
21 testimony being placed into the record that is
22 being offered with substantiation of
23 documentation as well. But I will refer --
24 defer to the board's attorney.

25 MR. KOLINS: Before she comments on that,

1 this testimony was not just a member of the
2 public's opinion on whether this action or the
3 other action should be taken. He stated certain
4 things as fact and I would like to explore those
5 things. I think I have a right to do that.

6 MS. YEN: I'm going to have to agree and
7 say that I don't think it's appropriate to
8 cross-examine.

9 MR. KOLINS: It is not?

10 MS. YEN: It is not appropriate.

11 MR. KOLINS: Under what basis just for the
12 record?

13 MS. YEN: It's public comment. He's not a
14 fact witness.

15 MR. KOLINS: Okay. Thank you.

16 MR. PANDULA: Anyone else?

17 MR. BAKER: I know everybody wants to go to
18 lunch, so I'll make this short.

19 My name is Anthony K. Baker. I'm a
20 resident of the Town of Palm Beach, and Charles
21 Munn was my grandfather. I have an
22 architectural background and an architectural
23 historical background, especially up in
24 Long Island in '97, when we came out with a book
25 called, Long Island Country Houses and Their

1 Architects Listing from A to Z.

2 Mizner, of course, was featured because he
3 lived on Long Island until he came here in 1917,
4 and was actually not a very successful architect
5 there. But he became very famous here at the
6 end of his life and during that sixteen-year
7 period.

8 Charlie Munn's house, my grandfather's
9 house, was built as number three, after the
10 original Stotesbury house. I believe the Phipps
11 were next. I was here when that was torn down
12 in 1960. I spent a lot of time at Amado growing
13 up. I know it well, the inside of it and the
14 whole thing. I just want to say that as his
15 houses went, this particular one, Amado, was
16 probably one of the plainest ones that he did
17 and was not his most stellar house.

18 The house next door that was built one year
19 later -- they were not built together, by the
20 way, which was eluded to here. Amado was a
21 little bit afterwards because Gurnee Munn got
22 enthusiastic to buy the land next door. That
23 house, the Gurnee-Munn house, is really an
24 outstanding piece of his architecture. But the
25 Charlie Munn house was much more plain and

1 rather not exciting.

2 But it did have some interior aspects which
3 were quite exciting. Unfortunately through this
4 entire process, the interior didn't have any
5 value. I also want to point out that at this
6 point, he was using tiles and barrel tile roofs
7 from Cuba. The tiles on the floor came from
8 Europe, which he found to be too expensive and
9 later created his own factories to build stuff
10 here in West Palm Beach.

11 So the Amado actually had a lot of original
12 stuff in it, which has unfortunately all been
13 removed now going through this process. The
14 alteration period in 1935 or 1934, was done by
15 Mr. Fasio has been taken off. The southwest
16 corner was once open. They closed that in. I
17 don't know who was involved in that. I think
18 Mizner may have still been around.

19 The only thing is that we -- our family --
20 never really did feel that that house should
21 have been landmarked historically. We didn't
22 think it was quite appropriate. There wasn't
23 enough of the house to really be landmarked. My
24 grandfather wasn't for it. He didn't want it to
25 be landmarked.

1 This is also -- with these
2 additions they've added to the house and all
3 these changes, I think it's changed the building
4 sufficiently so it isn't an integrity of Mizner.
5 I don't think he would be too thrilled about
6 what you're proposing.

7 The one thing I did want to mention is that
8 on the old entrance way, they were planning to
9 put a garage and planting on top of it, and
10 really I think compromised and made it very
11 difficult. I just don't think it would be that
12 great. So the upshot of this whole thing is
13 what I'm just saying briefly is that trying to
14 de-landmark this house I think would -- our
15 family would be for it. If it stays there and
16 is still worked on, that's fine. But it doesn't
17 have to be landmarked. Because I think it's too
18 late to have a landmarking. I think in this
19 case, I think it's eating the menu instead of
20 the dinner. Thank you very much.

21 MR. PANDULA: Thank you, sir. Anyone else?

22 MR. RABIDEAU: My name is Guy Rabideau.
23 I'm an attorney here in Town. We were just
24 retained by the owner of the Gurnee-Munn house.
25 We were just retained on Monday concerning this

1 Landmark's Commission Hearing. Unfortunately,
2 we just haven't had enough time to study the
3 issue further to give additional comments to the
4 Commission. I just want to let you know that
5 there is now legal counsel involved and not
6 enough time to study it further.

7 MR. PANDULA: Thank you very much.

8 MS. WILKEY: Can you say what your position
9 is?

10 MR. RABIDEAU: Again, at this time, there
11 hasn't been enough time look into it.

12 MR. PANDULA: Is there anyone else from the
13 public who would care to offer anything? Okay.
14 So we're going to break for lunch in a minute.
15 When we come back, we'll go into executive
16 session. So if anyone has any questions to
17 anyone else or the staff, now would be time.

18 MR. MOORE: Are there any questions of us?

19 MR. PANDULA: I have one question.

20 It's based on an interesting point that
21 Mr. Kellogg made. When we consider this, there
22 are architectural items and financial items.
23 You made a statement that his family is now
24 essentially relying upon the fact that the
25 adjacent property is landmarked. So does

1 that -- do we have the ability to consider that
2 in any way; that other people are now relying
3 upon this action or is that just a fact and it
4 has nothing to do with what we are talking about
5 today?

6 MR. MOORE: Mr. Kolins is probably going to
7 object to my answer, but I don't that -- maybe
8 he won't -- I don't think that if some else
9 reliance on that is applicable to the
10 application that he's brought before you (sic).

11 He was not here to testify and offer
12 evidence. He was here to give public comment.
13 That's why Mr. Kolins couldn't cross-examine
14 him. So it would be inconsistent of me to say
15 that he had an interest in this.

16 But I do have an admonishment for all of
17 you as we break for lunch. No matter where you
18 have lunch, you may not have discussions about
19 this particular matter, and I admonish you not
20 to do that because of the seriousness of this
21 particular application and the fact that we
22 would be leaving the premises before you go into
23 executive session. Thank you.

24 MR. KOLINS: Mr. Chairman, I just have a
25 procedural question. Knowing full well that

1 Ms. Victor wants to have at me, and I will hold
2 myself available. In addition to whatever
3 questions you want to ask of me, I'd like a
4 little time to sum up and put some things into
5 perspective before you go into executive session
6 when we come back.

7 MR. PANDULA: Okay. Thank you.

8 (A break was taken.)

9 MR. PANDULA: I'd like to reconvene the
10 Landmark Preservation Committee Meeting and pick
11 up with the finance summary from Mr. Kolins.

12 MR. KOLINS: On behalf of -- I thought
13 there were some questions or something for me.

14 MR. PANDULA: Okay.

15 MR. KOLINS: We can do that first if there
16 are any.

17 MR. MOORE: Does anybody have any questions
18 of Mr. Kolins? Ms. Victor?

19 MS. VICTOR: I do have a long list but I'm
20 only going to ask you one.

21 One of your very first points was you
22 talked about a number of properties that had
23 been undesignated. I have a very short list of
24 those properties and I am wondering if you have
25 a longer list?

1 MR. KOLINS: Ms. Victor, I have not done an
2 analysis. I know there was the Anthony house
3 and there was the house -- it wasn't owned at
4 the time -- but Bob Montgomery's house.

5 The point was houses have been
6 de-designated. I don't have a comprehensive
7 list.

8 MS. VICTOR: Yes. Those are the only two I
9 know of. Thank you.

10 MR. PANDULA: Okay. So last chance before
11 we go into executive session for anyone to ask
12 anything.

13 MR. MOORE: He does want to --

14 MR. PANDULA: I'm sorry.

15 MR. KOLINS: Yes. I would like some time
16 and it would be relatively brief. I would like
17 to have a few moments to summarize.

18 Ms. Malfitano would like to address you
19 for just a moment, and then I'll have just a
20 sentence or two after that and we'll be finished
21 if that's okay.

22 MR. PANDULA: Okay.

23 MR. KOLINS: First of all, I want to say
24 thanks because we have been here a long time and
25 for you to give up your time to take such an

1 interest, regardless of what your point of view
2 might be, I appreciate that and I thank you.

3 As I said, I do want to take this next few
4 minutes to kind of put things in perspective.
5 Because when you have a hearing like this -- and
6 I am guilty of this as anybody -- but there are
7 things said by various people that sometimes put
8 things out of context or sometimes color things
9 the wrong color.

10 As you ultimately are going to go into
11 executive session, at the very least, I think,
12 the correct facts and perspectives ought to be
13 on the table and that's what I want to try and
14 accomplish.

15 First of all, I think it's important to
16 note for the record that both Mr. Kellogg and
17 Mr. Baker are relatives of Mr. Munn, and have
18 confirmed what I've told you; that Mr. Munn did
19 not want this house landmarked in the first
20 place. I think that's relevant because Ms. Day
21 in her presentation stressed the context of all
22 this. And that Mr. Munn -- the wonderful person
23 though he might have been -- I didn't know
24 him -- that was his house. He was an important
25 guy in Town. I would suggest to you that while

1 he may well have been a wonderful and important
2 guy in Town, he didn't want this house
3 landmarked in the first place. The fact that
4 he sued the Town has been confirmed by
5 Mr. Kellogg -- he called it hocus-pocus -- he
6 actually confirmed what I told you. He sued the
7 Town and he did it because he believed in
8 private property rights. Mr. Kellogg told you
9 and he confirmed what I told you.

10 Now when my client -- and I want to be very
11 careful how I use that word -- because while my
12 client, 455 North County Road, Inc., is my
13 client today as was the same entity who bought
14 this property a few years ago and was the same
15 entity that came here for a Certificate of
16 Appropriateness to make the changes, it really
17 today is a totally different corporation because
18 it is controlled by a totally different party
19 than it was before. And that is very critical
20 to understand. So while the name is the same, I
21 want you to understand that in reality my client
22 today is not the same client, the same party,
23 that came to you a couple of years ago for the
24 Certificate of Appropriateness, and is not the
25 one that got us into this kettle of fish.

1 When that house was acquired, it was in
2 terrible shape. And because it was in terrible
3 shape, not only did a lot of work have to be
4 done to it but probably more work than anybody
5 anticipated; not only the representatives of
6 455, but probably yourselves.

7 There has been much talk of whether you
8 bear any responsibility in your role. I
9 suggest, you do not. But I also suggest that
10 all parties concerned unwittingly have bit off
11 more than they could chew. And unfortunately
12 that came to light only as time went on and as
13 the process went on.

14 Jane Day spent a lot of time telling you
15 about the historical value of the house. I
16 wouldn't argue with that. I would not -- to use
17 her word -- quibble with that. Although, when
18 she spoke about it being merely a shell, she
19 used the word "quibble" about it being a shell
20 as though that's rather unimportant. I think
21 that's critical because the house today is
22 entirely different than the house that she
23 described for you that at one time existed.

24 And, again, I make no excuses for how it
25 got from there to here. But it is, in deed,

1 totally different. Experts and well meaning
2 people can differ about what the phrase
3 "architectural integrity" means. But it just
4 seems to me, as a layperson, that when you have
5 a shell of a structure like that, yes, you can
6 put it back together again. But it's going to
7 be totally different than what it was. And it's
8 hard for me to conceive of that being considered
9 when you use the phrase "architectural
10 integrity" or you don't when it's something that
11 must be landmarked.

12 Jane Day said that the Town doesn't want
13 museums and I believe her. I assume, however,
14 that the Town doesn't want architectural ruins
15 either, and I'm asking you to work with me to
16 prevent that from happening. This house in its
17 present condition is literally and figuratively
18 a shell of what it was. And if the
19 de-designation section of your code has any
20 meaning whatsoever, the shell should qualify for
21 de-designation.

22 Now regardless of whether you agree with
23 that or you don't, I ask you to consider the
24 reality of this situation. I ask you to see
25 things not as you would like them to be. Not as

1 you envisioned they could be, but truly as they
2 are.

3 My clients are not Jim Clark. They do not
4 have any money left to do anything to this
5 house. They just don't. And I want you to
6 fully understand -- because I think there was
7 some confusion -- assuming by some of the
8 questions and comments to Tom Leonard -- I think
9 there is a little confusion as to what the
10 financial situation is here. And let me try to
11 make it clear, as clear I can.

12 The house was bought for approximately
13 \$14 million. Approximately \$5 million has been
14 put into it to get it to where it is. So now we
15 have got 19 million into it and it's for sale.
16 And somebody said -- I don't know one way or the
17 other, possibly Ms. Victor -- somebody said it's
18 for sale for \$20 million. And if one assumes
19 that, then correct again, but I don't know. But
20 I'll take her word for it. So if somebody
21 wanted to buy it, they might not pay the whole
22 20. So they pay 19 or 18 or whatever. Now
23 where would that money go? Five million dollars
24 would go to the bank, at least five million.
25 This is the money that has to go for back taxes

1 and other expenses that are outstanding. The
2 rest -- if it got all that money -- would at
3 best make my client whole.

4 This is not a situation where someone could
5 go in, buy it for \$5 million and pay off the
6 bank. Please don't misunderstand. The
7 property -- whatever it sold for -- the bank has
8 a mortgage and would have -- the first
9 \$5 million goes to the bank, but that's not what
10 you can buy the property for.

11 So the only way -- the only way for this
12 house to get finished the way you envisioned it
13 and issued your certificate, is for someone to
14 come along, pay a bunch of money, buy it the way
15 it is, and put in five, six, seven -- whatever
16 it is -- millions of dollars to finish it and be
17 happy to have this house that way. Our
18 experience is that hasn't happened. It won't
19 happen. It's an unreasonable expectation. Can
20 miracles happen? Perhaps. But in terms of
21 what's reasonable to expect, that is not going
22 to happen. So as a practical matter either the
23 property gets -- either the structure gets
24 demolished, and the land is sold. You could
25 sell the land reasonably quickly if it's not

1 burdened -- if I could put it that way -- by
2 landmarking. Because it's that very landmarking
3 and the structure on it that prohibits people or
4 prevents people from buying it. So if you had
5 just the land, somebody would buy it and
6 presumably build a house on it. If that does
7 not happen, here are the options: It stays the
8 way it is indefinitely. My client does not
9 recover from its losses and they are stuck with
10 a white elephant and so is the Town. And so is
11 the neighbors and so is the neighborhood and so
12 forth.

13 Alternatively as Bob Moore described to you
14 there are procedures the Town could follow. And
15 if those procedures were successful, the Town
16 would put up the money to finish the house and
17 then put a lien on it, and then it would be sold
18 and the Town would get its money back. Well,
19 how practical is that? And it would take a very
20 long time, and the practicality of that from a
21 financial and time perspective -- I suggest to
22 you, I'm not the Town. I don't make those
23 decisions.

24 So I said to you earlier, I'm here asking
25 for your help. We are not here as developers.

1 We are not here as bad people. Someone
2 testified here about those developers and other
3 people have suggested that we're out for the
4 money or that it's just a money issue. Well you
5 can view it as just a money issue. But the
6 reality is, if you don't have the money to fix
7 car, the car isn't going to run. And that's
8 where we are.

9 I want you to understand the kind of people
10 we are dealing with. You are dealing with a
11 family who got into serious trouble because of
12 the infirmity of a member of the family who had
13 the money. His attorney of fact, as designated
14 by the court, is here trying to dig that family
15 out of a terrible situation. We are not
16 developers. We're not land grabbers or anything
17 of the sort.

18 Now having said that, I wish you'd take a
19 minute or two just to listen to Ms. Malfitano
20 for a moment. She has a couple of words. And
21 I'll just another minute, Mr. Pandula, and I'll
22 be finished.

23 MS. MALFITANO: My name is Jane Malfitano.
24 I live in Boca Raton. I want to, first of all,
25 say thank you. Because it has been a long day

1 and I'm sure it is as tiring. I know the
2 feeling. I wanted to say that we are both in
3 unenviable positions. You have a home or shell
4 that you would like to see finished and I have a
5 family crisis, both financially and emotionally.

6 The reason I'm here is not because I deal
7 in real estate. I'm not a broker. I'm not a
8 developer. I am not a builder. I'm here as a
9 daughter trying to help her dad. And it's a
10 real mess. So I just want to say thank you.

11 MR. KOLINS: In closing, let me just say
12 this: I am asking you to do something that you
13 don't want to do. I am not asking you to do
14 something that is unethical to you. But I'm
15 also asking for your help, and I'm asking you to
16 be realistic. Let us clear this land so that it
17 can be used for some good purpose for some other
18 family.

19 Without your help, we all face and will
20 continue to face a debilitating situation. We
21 are not here to blame you. We are not here to
22 excuse our own mistakes and misdeeds. We are
23 here because we are faced with a crisis as Jane
24 said. We hope that you will see the reality of
25 it and look at this beyond your heart and by

1 your mind. Thank you very much.

2 MR. PANDULA: Thank you.

3 Does anybody have any questions of anyone?

4 MS. WILKEY: Could I just have something
5 clarified? I think Mr. Kolins said that
6 Mr. Kellogg said that he -- they had not been in
7 favor of landmarking. I did not understand it
8 that way. And the other thing that I understood
9 is that the family sold the property at, quote,
10 a discount because they understood from the
11 buyer that the property would be restored.

12 MR. KOLINS: You put your finger on a major
13 issue that I've had. Those statements both were
14 made by Mr. Kellogg. And I was not around to
15 question him about them. I know nothing about
16 this discount. I see no evidence of that except
17 for what he said. I've never heard of it
18 before, number one. Number two, clarifying what
19 I heard him say about Mr. Munn's attitude about
20 the landmarking is he agreed that he didn't want
21 it. He agreed that the fact that he also
22 brought a lawsuit against the Town because he
23 felt he was a champion of or supported private
24 property rights. That's why he objected to the
25 landmarking. So he agreed. When I told you

1 earlier on that Mr. Munn objected to the
2 landmarking, Mr. Kellogg agreed with that. So
3 that's just what I tried to say. And I believe
4 I got it correct from him.

5 MS. WILKEY: But I think -- and this has
6 happened before to us in the Landmark's
7 Commission -- that people don't really
8 understand the whole process. And I think that
9 Mr. Munn, once he understood that his personal
10 rights were not going to be trampled on, he did
11 agree to the designation.

12 MR. KOLINS: Well, Ms. Wilkey, I'm going to
13 say two things about that; I think it's
14 important.

15 One, as Bob Moore said, you all are here
16 sitting as judges. I don't think any of us can
17 speculate on what Mr. Munn, now deceased, might
18 have thought had he been provided with certain
19 information. The fact is, we have to deal with
20 what we know. The fact is he opposed the
21 landmarking and even went so far as to bring a
22 lawsuit about it.

23 Now with landmarking, in general, it does
24 have an impact on private properties. Now some
25 are people willing to accept that because the

1 trade-offs are worth while for them. There's a
2 whole host reasons why people do it. But in
3 point of fact, landmarking does restrict. In
4 fact, we're here now because we want demolish
5 this building and but for the landmarking, we
6 could that. So clearly it restricts private
7 property rights. If someone chooses to
8 voluntarily allow themselves to be restricted
9 because they see public benefits, of course,
10 that's a choice they can make. But it still
11 does create certain restrictions.

12 MS. WILKEY: One other thing.

13 MR. KOLINS: Yes, ma'am.

14 MS. WILKEY: We did have a study done by
15 the Preservation Foundation which was
16 distributed to us just recently. And the
17 consensus was that landmarking increased the
18 value of the properties as opposed to decreasing
19 the value.

20 MR. KOLINS: Okay. I can't comment one way
21 or another about that. I would say simply two
22 things.

23 One, we can't speculate about Mr. Munn.

24 But secondly, in this particular case --
25 even if one assumes that's correct -- that would

1 apply only to a finished house. If it was a
2 finished house and it was landmarked as opposed
3 to a finished house that was not landmarked, the
4 study would tell you, I assume, you're better
5 off financially. But that is not our situation.

6 Our situation is that we have a shell of a
7 house and the only way we can tear it down is
8 with your permission. And if we can't tear it
9 down and we can't finish it, therein lies a
10 conundrum.

11 MR. PANDULA: At this point in time,
12 Mr. Munn's feelings either way are irrelevant.
13 It's landmarked. It's been --

14 MR. KOLINS: Except that Ms. Day did rely
15 on Mr. Munn as a reason for why this was
16 landmarkable and that's the reason I brought it
17 up. But it's not -- this case will not rise nor
18 fall on that issue, I grant you.

19 MR. MOORE: Mr. Chairman?

20 MR. PANDULA: Yes, sir.

21 MR. MOORE: In furtherance to Mr. Kolins'
22 remarks and Ms. Wilkey's question, the public
23 comment is just that. Public comment. It is
24 not evidence that is being offered. If it was
25 evidence that was being offered, then, in deed,

1 Mr. Kolins would have a right to cross-examine
2 Mr. Kellogg. That was an opinion; a statement
3 that he had made. But it's not evidence. So I
4 would caution you about taking that as evidence
5 versus the substantial, competent evidence
6 that's been put in by Mr. Kolins and his expert
7 and by the Town with our experts.

8 MR. PANDULA: Thank you. Ms. Day, did you
9 want to say something?

10 MS. DAY: I was just going to say that I
11 did read the testimony that Mr. Munn made in the
12 lawsuit in 1980. He did sue the Town when it
13 was proposed for the landmarking. Nine out of
14 the ten first people in 1979 sued the Town.
15 John Lennon was the only who did not in that
16 first batch of folks. I think they needed to
17 learn and be educated about what landmarking
18 was. His expert witness found nothing wrong
19 with the report and said the Town should have
20 done a survey. And the Town went ahead
21 and since that time has done three surveys to
22 look at what their resources are.

23 In fact, Mr. Kolins is correct, Mr. Munn
24 did object to the landmarking when it was
25 brought up during his lifetime.

1 MR. PANDULA: Okay. Thank you. I guess,
2 we are now in executive session.

3 MR. MOORE: Under executive session the
4 floor is open for all of the discussion amongst
5 yourselves. You may ask questions of any of the
6 persons that are still here if you wish. There
7 will be no examination or cross-examination that
8 would be permitted of both sides after that.
9 You may ask questions of those people that are
10 still here.

11 MR. PANDULA: Okay. So who wants to start?

12 MR. SEGRAVE: I have a question, I guess of
13 Bob Moore. Certainly, you know, feelings have
14 been broken down in this whole thing. We
15 want -- in a perfect world, of course, we want
16 it finished. To get to that point, Mr. Kolins
17 is saying it's not going to happen with these
18 owners. What is a remedy? If, in fact -- if we
19 let it sit like this, is it going into fines?
20 What are we looking at? What can the Town do?

21 MR. MOORE: It's been eluded to earlier by
22 Mr. Kolins, and certainly I eluded to it as
23 well. But this Board, this Commission, has a
24 section in the ordinance, Section 54-3, which
25 talks about deterioration by neglect. There is

1 also some criteria that is in the ordinance for
2 demolition by neglect. Deterioration and
3 demolition would be one in the same as treated
4 by the staff and the ordinance. And the finding
5 would have to be made by this Commission at a
6 public hearing with an agenda item that, in
7 deed, deterioration by neglect is occurring.

8 The Town would have to come forward and say
9 we believe that the deterioration is reoccurring
10 and that we are requesting you to verify that
11 and find factually that is the case. We would
12 then notify the owner of record of our
13 preliminary findings. If you don't mind, I'm
14 going to read it because it is a little
15 complicated.

16 Given 30 days from the date of that notice
17 to commence work, or correct, rectifying the
18 evidences of given 30 days -- excuse me -- of
19 neglect that's stated in the notice. Then a
20 certified letter would be sent if not
21 deliverable. The postmark -- excuse me --
22 posted on the landmark property twice in one
23 week. If they couldn't get it delivered. If
24 the owner fails to commence work within the 30
25 days, the Commission, you, notifies the owner to

1 appear at the next public hearing. Sent
2 again -- sending a certified, not deliverable,
3 post the property. You would hold the public
4 hearing, present the reasons for the notice, and
5 the owner has the right to rebut and the
6 Landmark's Commission would then make a
7 determination.

8 The Commission would then notify the Town
9 Council, Mayor and Town Council of it's
10 findings; that you have found the property
11 deteriorating by negligent. The Town Council
12 may bring charges at their discretion forward
13 with the Code Enforcement Board. In fact, that
14 is the case. And the Town Council may, at their
15 discretion, decide to repair the landmark at its
16 own expense; at the town's expense and put a
17 lien against the property for the dollars
18 expended.

19 Now that's kind of complicated. But that
20 is an overview of what there is as far as
21 recourse.

22 Let me give you a current status report on
23 the property. For those of you that have seen
24 the property, there as been absolutely no
25 action, no activity. Mr. Kolins has born that

1 out by saying they're out of money. They can't
2 afford to do it. We have not canceled the
3 building permit specifically for the reason that
4 we wanted to give the applicant every
5 opportunity to continue work on the landmark
6 without the burden of having to pay for another
7 building permit to restart on the property
8 again; restart the construction again.

9 So in this particular case, our department
10 found it to be advantageous not to cancel the
11 permit and to leave it open so Mr. Kolins'
12 client's contractor could start work tomorrow
13 morning if they wished.

14 Given that as the option the Town does
15 have, the only other option would be to find in
16 favor of Mr. Kolins' request and allow his
17 client to tear down the property.

18 MR. SEGRAVE: I was concerned that the
19 reality of how long -- what our options would
20 be. Are we see the skeleton remains there for a
21 long time if we don't go along with tearing it
22 down? It sounds like we will.

23 MR. MOORE: One of the reasons we did not
24 want a deferral on this matter earlier was for a
25 selfish reason of health, welfare, and safety.

1 A deferral on this matter for even the next
2 month would delay proceeding in this fashion and
3 would bring us into the beginning of the
4 hurricane season. And this house is
5 unfortunately sat for one hurricane season with
6 minimum amount of closure to it. What's left of
7 the house structurally that could be determined
8 as being steel sound by an engineer is in
9 jeopardy of being further deteriorated. And it
10 is our opinion that if we were to go down the
11 road of the deterioration by negligence, then we
12 would be recommending to the Council that they
13 perhaps not finish it in total for a million and
14 a half as Mr. Kolins had mentioned earlier. But
15 somewhat less than that to button up the house
16 so as that any -- this owner or subsequent owner
17 such as the bank would have a structure that
18 would be saleable to someone in the future.

19 So we would not actually get into a
20 position where the elements had deteriorated the
21 remaining portion of the building to a point
22 where it would not be able and it would be by
23 default and be ready to be torn down. We, the
24 staff, would not want that to go that far and
25 that to occur. So we are going certainly

1 participate in the rest of this discussion. But
2 I think you know where we are going if decided
3 that you are not going to grant this request.

4 MS. BLADES: Could I ask Mr. Moore a
5 question? Mr. Moore, for how long has this work
6 been stopped? When you say --

7 MR. MOORE: Over a year.

8 MS. BLADES: It's been over a year. And
9 may I ask why its been left for a year
10 without --

11 MR. MOORE: Trying to get the owners to get
12 back to work, so we wouldn't be sitting here
13 today doing what we are doing.

14 MS. VICTOR: But we do have teeth in the
15 ordinance. And I ask -- I've asked a number of
16 Town staff why have you not done anything? I
17 gather there were divisions amongst you in the
18 Building Department and some felt that levying
19 fines, that this would go to Code Enforcement
20 and the house would --

21 MR. MOORE: Excuse me. I don't want to --
22 when I in intimated Code Enforcement, we would
23 be bringing something very special and specific
24 to Code Enforcement. That would be demolition
25 by deterioration. We would not be bringing

1 failure to work on the job because the Code
2 Enforcement Board would be -- I think Mr. Kolins
3 might like that because they then could appeal
4 to them to tear it down. That they don't want
5 to get that started. And I don't think we want
6 that and what this Board would want.

7 MS. VICTOR: It not only seems to me overly
8 obvious but it seems to me that there is a third
9 choice. I mean you have enumerated two of them.
10 One is that, we the Commission, approve
11 demolishing the house. That's one.

12 A second is that we don't approve it and it
13 goes into the demolition by neglect, the liens,
14 the whole business with Town Council and I'm
15 sure they don't want it or have to deal with it,
16 particularly. But it seems to me the third
17 solution is just to say no.

18 I mean, this property can be sold as is
19 landmarked with a house that needs to be
20 finished at a price that would be appealing to
21 somebody. I'll stop there.

22 MS. HOFFMAN: Can I say something?

23 MR. PANDULA: Sure.

24 MS. HOFFMAN: It seems to me -- I mean, we
25 all know that there has been trouble between the

1 partners of this 455 corporation. It's been
2 well publicized is the paper. It was a
3 speculative deal when they started. And
4 Mr. Kolins said that his client later didn't
5 realize how big a project is was going to be,
6 which is not the landmarks fault. They made a
7 bad business decision. And it seems to me we
8 are being used as pawns to settle a private
9 business deal that went sour between the
10 partners.

11 We acted in very good faith. We worked
12 hard with Mr. Elias to help him do what he
13 wanted to do. And now we are being questioned
14 as to maybe that wasn't the thing to do. And as
15 a Board, I think we've got our hands tied right
16 now. And we're all up here in trying to save
17 the architecture in this Town for future
18 generations. I feel very miffed by the whole
19 thing. Because I really wonder if this is the
20 proper place to settle this business quarrel
21 between the business partners.

22 MR. PANDULA: It may not be. I think with
23 all due respect and sympathy for the business
24 situation, and I know it's awful. I wouldn't
25 wish upon anybody. I'm glad I'm not a part of

1 it. It's just awful.

2 On the other hand, the request before us
3 today is the worst case condition. I think
4 there are other avenues that can be explored; a
5 timing statute on the project is one. Perhaps
6 rescaling the project down is another. Perhaps
7 looking at other options for the properties is a
8 third. Perhaps just buttoning up, finishing the
9 exterior of the house, taking it to some point
10 that's more affordable and let it sit until the
11 marketplace or whatever other factors in play
12 catch up to it.

13 So I'm not aware of any of those
14 intermediate -- maybe there are others. There
15 probably are. There are probably dozens of
16 intermediate steps or efforts that could have
17 been taken before we were faced with,
18 essentially, an all or nothing request. Tear it
19 down or not. Or be stuck with it.

20 So I think it puts us in an awful position
21 of -- if we vote to protect the building looking
22 like we're heartless. So I think it's
23 unfortunate. We haven't been approached with
24 perhaps some intermediate level of activity that
25 perhaps could have gone on there.

1 I feel very comfortable with architectural
2 decisions that the Board has made on the
3 project. I don't think we made any mistakes. I
4 think we've been true to the character of the
5 Board as its progressed through two decades here
6 in Town.

7 So I don't think we made a mistake that we
8 need to correct in that regard. I think the
9 architectural aspects of the project are solid
10 and are on sound grounds. I just lost my train
11 of thought.

12 I think -- you know -- again, at the risk
13 of sounding impolite or heartless, we're not the
14 guarantor of a speculative venture. We're not.
15 We're not in charge of techniques or methods of
16 construction. We're not in charge of financing.
17 We just -- all we can do is what we can do. And
18 pass it on down for the next layer of activity
19 to occur.

20 So I don't know why the finances got into
21 the shape they did but there is nothing that we
22 can do about that. And to say that demolishing
23 the building will make everybody whole -- that's
24 everybody except us. We're the ones that lose.
25 It's the Town's landmark.

1 (Talking simultaneously.)

2 MR. PANDULA: We represent the Town. And I
3 don't know whether this would -- under these
4 certain, special circumstances -- which are
5 truly unique -- would be precedent setting or
6 not. But I think this goes to the very heart of
7 our credibility here if everyone that reached a
8 point in a project decided, I've had enough,
9 it's time to bail out, I got to go. Then I
10 don't know what the options are. Bonding every
11 project? That's not feasible. We can't get
12 into that level.

13 MR. MOORE: That would be pushing 99.9
14 percent of the rest of the folks that own
15 landmark properties. We would never recommend
16 that you do that.

17 MS. WILKEY: May I say something?

18 MR. PANDULA: Sure.

19 MS. WILKEY: I am also in simply with the
20 family of this enterprise. However, I think
21 that we should not lose view of the fact -- that
22 the fact that the building is a shell now is
23 only a stage in the restoration of this building
24 it has happened to other buildings. We have
25 seen shells before. And those shells have been

1 finished to a satisfactory conclusion. It's not
2 a bad idea to go ahead and put on a roof, close
3 the windows and look for a buyer. Wait a little
4 bit longer.

5 MS. BLADES: Also, I think, we as a
6 Commission, need to take a very hard lesson from
7 this. I know that I didn't go on the property,
8 Mr. Moore -- I was in the garden -- I was
9 shocked and outraged at what has happened to
10 that beautiful house. And, yes, it was in bad
11 condition and it had been for years. But, yes,
12 it is a shell. But to me, that's besides the
13 point. We need to take a lesson from this.
14 When it is front of us that we have nothing to
15 say about what happens to the interiors. And if
16 the hearsay was that there were original tiles
17 from Europe, that there were original this and
18 original that, that it's no longer there for
19 whatever reason, that to me is one of the most
20 shocking factors; is that the interior has been
21 stripped. I to have terrific sympathy for the
22 family. And it is a terrible position for you
23 to be in and for us to be in. But I also feel
24 very strongly that there is such a degree of
25 speculation in this Town that somewhere, you

1 know, the trials and tribulations agreed in
2 speculation are not something that we should
3 have to deal with. We are supposedly
4 preservationist and somewhat knowledgeable. We
5 have good Town help. And I think that we need
6 to try to hold onto this house.

7 MR. PANDULA: I think particularly in the
8 case where a building has been landmarked, it's
9 not something that we did subsequent to the
10 ownership of this house. In that case, having
11 had a history of being landmarked for 20 years,
12 the new owner takes on that responsibility. I
13 think in that regard ownership is more than
14 possession. It comes with responsibilities.

15 MS. BLADES: They know.

16 MR. PANDULA: What is clearly defined. So
17 I think the owners need to take that into
18 account as well.

19 MS. VICTOR: I'd just have to add in two
20 items. There is a brochure brought out by the
21 National Trust and it's called, Protecting
22 America's Historic Neighborhoods, Taming the
23 Tear-Down Trend. And I recommend it to all of
24 you. I find it particularly applicable here
25 where it talks about the economics of

1 tear-downs. And they refer to something called,
2 Rule of Three. Which is basically, if you can
3 buy the property for one and sell it for three,
4 then it's worthwhile to tear down the house and
5 turn over the property. Now if the house was
6 bought for 14, which it seems to be, and
7 Mr. Kellogg referred to a conversation he had
8 with family and with Mr. Elias and referred to
9 the number 40 million as being the potential
10 selling price, you're starting to get into that
11 ballpark of economics. So that is something I
12 think we should be aware of.

13 The second thing I wanted to bring to your
14 attention -- that's worth bringing up -- is this
15 article in the Stetson Law Review. And it's
16 about, takings challenge. And we've talked
17 about that here on the Commission before. But
18 particularly here -- page 670, Mr. Kolins -- it
19 talks about -- I'll just read it. The owner
20 acquired the property with knowledge of its
21 designation as a historic property. This fact
22 must be considered in determining his or her
23 reasonable investment, back expectations. And
24 it goes on from there. But I think it very
25 clearly supports -- what we're trying to say is

1 that there is a special cocoon for a landmark
2 property. It's not just as we know the house
3 itself. It's the entire property here that is
4 landmarked. If we vote against -- or rather if
5 we vote for tearing the house down -- and I'd
6 hope we are not going to vote that way. I would
7 then ask you, please, to be careful to keep the
8 footprint of the house, so that we don't feed
9 into another massive house on the ocean and
10 losing gardens and subdividing.

11 In closing, I took a photograph from the
12 tower of the Charlie Munn house last week
13 looking north. And it's really quite an
14 education in development if you haven't climbed
15 up there. You see the lovely Gurnee-Munn house
16 and then beyond that you see the Nelson
17 property. Just looking at the usage of green
18 space makes me very much want to preserve what
19 we have and what's so special. I feel a great
20 deal of sympathy for the daughter of the owner.
21 And sometimes I feel some sympathy for
22 Mr. Kolins as well. Then I feel like little red
23 riding hood going off to see her grandmother and
24 seeing the wolf and his teeth.

25 So for me the bottom line, I have to keep

1 asking, does it meet the criteria, one of the
2 criteria? And I have to answer for me, yes, it
3 meet all four of the criteria as it sits.

4 MR. PANDULA: Anything else?

5 MR. PYMS: I'd like to say that, I think
6 we're kind of a rock and hard place. On the one
7 hand we're asking to have this property
8 de-designated. On the other hand, we'd like to
9 see it completely restored. My middle name is
10 Sol, and perhaps we should let them cut the baby
11 in half and request that they perhaps button it
12 up and hope that they find a buyer before it is
13 eventually classified for demolition due to the
14 deterioration and neglect. And as a Board
15 member, I did see a case stated for
16 de-designation, undesignation and I have full
17 sympathy for the client's family. It's a
18 terrible situation. But if you are ready for a
19 motion, I would move that the request for
20 undesignation of 455 North County Road be denied
21 as the applicant is unable to demonstrate that
22 the original criteria for designation are no
23 longer applicable pursuant to the testimony
24 presented and the testimony that has been made
25 part of the record.

1 MR. PANDULA: There is a motion. Is there
2 a second?

3 MS. WILKEY: Seconded.

4 MR. PANDULA: There is a motion and a
5 second. All in favor?

6 (Unanimous response.)

7 MR. PANDULA: Any opposed? Thank you.

8 * * * * *

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF FLORIDA)
2 COUNTY OF PALM BEACH)
3

4 I, DIANNA BEDILION, Court Reporter, and Notary
5 Public, do hereby certify that I was authorized to and
6 did report said deposition stenographically; and that
7 pages 1 through , inclusive, are a true
8 transcription of my stenographic notes.

9 I further certify that I am not a relative,
10 employee, attorney, or counsel of any of the parties,
11 nor am I a relative or employee of any of the parties'
12 attorney or counsel connected with the action, nor am
13 I financially interested in the action.

14 The foregoing certification of this transcript
15 does not apply to any reproduction of the same by any
16 means unless under the direct control and/or direction
17 of the certifying reporter.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 this 28th day of April, 2003.

20 Dianna Bedilion

21 DIANNA BEDILION

22 Notary Public - State of Florida

23 Commission CC 952873

24 Commission Expires July 4, 2004



A			
abatement 123:2,11 129:21 134:4 ability 8:15 26:16 55:24 65:20 83:14 169:10 175:1 able 61:7 78:21 85:23 109:15 196:22 absolutely 65:6 99:4 146:17 157:5 160:23 194:24 academic 66:3 accept 43:11 113:4 114:11 114:16,20 115:2,21,24 116:1 118:4,16 188:25 accepted 43:13 113:14 accepting 72:19 118:14 access 133:21 accommodate 27:13 accommodating 44:2 accomplish 54:9 178:14 account 105:12 110:2 204:18 acknowledge 21:18 acknowledges 162:1 acquire 9:16 acquired 180:1 205:20 acquisition 13:18 85:4 88:16 90:17 97:4 acres 134:15 act 154:19,22,24,25 acted 199:11 action 7:20 8:13 111:13,18 111:20 154:13 162:17 170:2,3 175:3 194:25 actions 139:25 153:2 162:20 active 119:6 activities 150:4 activity 40:24 194:25 200:24 201:18 actual 97:5,11 105:14 145:23 acutely 6:12 adaptation 59:4 add 22:20 40:2,15 67:17 127:13 145:17 162:2,25 204:19 added 13:12 55:9 130:10,16 133:9,17 173:2 adding 132:7 Addison 23:17 26:22 28:19 30:21 31:17 57:22 119:23 120:4,11,22 121:6,11 125:7 126:8 135:23 136:5 137:16,18 141:15 142:12 142:14 160:24 addition 12:14 30:5 31:3 32:13 38:24 40:10,11 41:25 53:15 55:5,7 63:13 63:13,17 67:20 80:14 130:15,23 131:17 133:16 133:17 135:7,12 140:12 141:1,25 142:3,10 161:9 161:12 176:2 additional 42:9 84:4 107:19 114:21 160:22 174:3 additions 28:20 29:1,2,25,25 30:19 31:3 37:24 38:17 51:19 52:3 127:8,10 131:20 160:17,19 161:2 161:17 163:9 173:2 address 5:15 6:7 21:3 89:9 125:14 163:20 177:18 adherence 65:22 adjacent 174:25 adjudged 15:1	administrator 150:3 admonish 175:19 admonishment 175:16 advance 142:19 advantage 39:19 advantageous 195:10 adventurer 29:5 35:14 advertised 67:19 advise 82:18 advised 14:12 116:11,12 157:21 advocate 19:23 affairs 91:7 affect 48:22 57:15 61:18 62:13 65:8 74:19 117:22 affirm 4:3 Affirmative 4:7 afford 94:4 195:2 affordable 200:10 afraid 167:15 African 119:10 afternoon 119:2 age 26:17 47:8 141:14,16 aged 11:8 agenda 3:8,23 193:6 ago 52:24 53:6 80:4 99:24 100:5 132:12 156:17 164:10 179:14,23 agree 68:8 69:2,3 77:14,14 146:6,19 157:10 160:2,3 170:6 181:22 188:11 agreeable 69:10 agreed 116:4 123:24 124:25 187:20,21,25 188:2 204:1 agreement 84:18 ahead 37:3 74:11 110:14 116:12 144:10 191:20 203:2 albeit 30:17 130:5 alive 127:15 135:23 ALLEY 2:7 allow 17:6 38:4,17 55:25 63:25 109:1 143:5 157:22 168:23 189:8 195:16 allowed 40:24 41:16 48:17 79:25 85:11 127:8 155:2 155:10 157:20 162:25 168:20 allowing 44:10 65:23 77:10 133:20 allows 110:1 144:25 alter 162:1 alteration 172:14 alterations 30:1 altered 30:3 41:24 42:1 124:20 152:2 alternative 110:7 alternatively 52:1 184:13 Amado 25:6 27:16 28:18,24 32:23 34:25 165:4,23 166:24 167:6 171:12,15 171:20 172:11 amend 114:8 America's 204:22 ammunition 79:12 amount 18:10 54:8 56:20 78:3 103:7 105:8,15 152:3 157:20,22 196:6 analysis 21:2 177:2 analyze 74:12 answer 42:7 48:9 52:13 54:5 55:18 85:23 88:4,7,8,19 101:17 102:22 104:10 146:7 147:8,10 156:1,2 167:25 175:7 207:2	answered 147:17 163:7 Anthony 170:19 177:2 anticipated 180:5 anticipates 28:12 anonymous 164:25 anxious 139:9 anybody 14:1 22:7 46:15 77:5 82:24 141:14 142:11 153:19 176:17 178:6 180:4 187:3 199:25 anymore 79:8 87:11 93:13 109:20 112:18 122:12 164:25 anyway 7:16 9:21 47:13 79:11 116:14 166:11 apart 62:20 125:12 apologize 74:15 apparently 56:4 appeal 198:3 appealing 198:20 Appeals 66:20 appear 53:21 194:1 APPEARANCES 2:1 applicable 175:9 204:24 207:23 applicant 68:18 142:3 195:4 207:21 application 37:10 67:12,13 67:18,21 68:4 69:7,9,14 69:15 72:3,9,14 111:13 142:17 175:10,21 applied 70:24 72:12,21 applies 60:3 73:4 apply 59:11 190:1 applying 72:25 73:1,5 145:4 appoint 96:4 appraisal 76:16 102:20 appraisal/report 115:18 appreciate 7:4 8:10 22:22 23:24 33:25 76:2,24 86:16 108:21 112:18,23 178:2 appreciated 23:9 46:6 126:25 approach 10:13 23:1 39:12 39:13 approached 162:21,24 200:23 appropriate 6:8 11:25 36:11 37:18 67:22 68:18,20 89:14 150:14,15 162:18 170:7,10 172:22 appropriateness 22:5 61:14 67:20 72:4,11,21 94:20 179:16,24 approval 16:19,20 49:21 56:2 97:14 142:6 152:11 152:17,23 153:9,10 154:1 154:2,9,15,17 155:19 156:23 approvals 38:19 130:20 approve 33:5 66:9 94:10 155:15,18 198:10,12 approved 36:12,17,25 41:18 48:20 49:23 50:6,18 51:9 51:19 52:2 54:5 101:12 138:23 155:16 approving 50:13 approximately 9:14 80:19 80:25 112:13 182:12,13 April 1:9 arbitrary 155:24 arch 29:11,12 arches 133:19 architect 17:16 26:16 42:23 43:7,8,15 47:21,24 54:14	54:18 56:14 58:11 63:20 63:21 125:18 141:13 147:25 149:3 150:9,11 171:4 architects 123:23 142:8 163:3 171:1 architectural 17:9,13,16 19:15 20:14 26:11,21 31:20 32:16 34:20 36:2 51:10 53:22 59:5 60:22 63:9 66:16 73:12 74:24 76:21 99:17 100:2 124:20 125:8,13 132:4 136:15 137:14 139:15,16,22 140:3 141:6 151:18,23 152:4 153:2,7 154:5,7,11 155:1,3,6 160:9 170:22,22 174:22 181:3,9,14 201:1,9 architecturally 77:13 architecture 18:22 19:13,16 19:17 20:7 22:15,16 23:23 34:2 47:8 64:4 65:23 79:2 92:5,6 128:5 140:24 141:11 158:24 159:8 160:21 165:11 171:24 199:17 area 55:14 56:20 166:2 argue 35:15 68:6,10 69:2 71:9 74:4 93:12 140:25 141:15 180:16 argued 135:15 argument 75:15 157:8 arguments 110:3 129:15 arrangement 61:17 arrangements 65:12 art 64:3 119:10 artful 84:8 article 61:13 205:15 articles 19:3 aside 110:5 asked 18:8 44:6 98:20 113:22 119:18 123:17 197:15 asking 21:20 40:7 63:4 64:23 65:1 75:7,9 104:14 104:16 109:25 145:19 147:4 150:25 151:1 155:7 157:13 181:15 184:24 186:12,13,15,15 207:1,7 aspect 69:11 107:23 118:23 aspects 11:21 172:2 201:9 asset 16:14 86:21,22 assets 11:3 14:10 78:2,9,10 78:11 84:3 85:8 96:10 97:13 101:1 106:13 107:14 assigned 72:2 Assistant 20:7 associated 81:17 82:2,4 84:2 84:6,12 140:2 141:11 148:1,5 association 125:21 137:15 assume 36:13 181:13 190:4 assumed 113:13 assumes 182:18 189:25 assuming 101:23 182:7 assure 9:1 149:22 assuring 96:22 astray 72:18 Atlantic 19:16 22:15 25:21 attached 19:2 attack 53:10 attempt 34:1 attended 166:6 attention 69:21 205:14

attitude 76:20 94:16 100:1 187:19 attorney 14:25 43:21 67:11 67:15 74:18 83:9 113:12 113:18 115:21 116:11 119:18 157:21 169:17,19 169:24 173:23 185:13 attorneys 158:5 169:14 attorney's 74:8 Atwater 164:12 audience 5:9 6:5 aunt 164:2 166:7 167:2 168:7 aunt's 166:5,15 automobile 133:25 autonomous 16:6 autonomously 164:22 availability 15:24 available 14:9 83:20 84:4 85:8 86:12 88:17 96:22 97:24 127:21 160:22 176:2 Avenue 120:13,18 148:18 164:13 avenues 200:4 await 60:13 awaits 75:15 award 33:12 122:22 awards 33:10 aware 6:12,14 14:18 56:15 61:11 97:22 104:15 151:4 200:13 205:12 awful 199:24 200:1,20 awfully 131:12 AI 15:9	183:9 196:17 banker 107:11 112:17 banking 81:10,23 bankrupt 16:5 bankruptcy 16:2,3,9 banks 86:25 bank's 82:17 96:21 104:22 bar 131:17 barrel 24:6 27:23 172:6 barren 28:6 Barron 166:25 based 26:1 51:8 54:22 55:24 66:11 84:1 96:7 151:9 174:20 basement 13:6 basic 38:14 135:20 basically 88:25 96:6 135:22 149:4 205:2 basis 18:18 40:8 56:10 66:14 68:7 71:2,6,9 82:19 87:25 88:1 170:11 batch 191:16 bathrooms 129:25 bay 135:21 bays 129:5 131:15,15 beach 1:10,20 2:5,6,8,9,11 6:14,20 8:7 9:14 27:5,10 35:17 55:23 81:10 94:13 101:23 119:21 120:12 121:2,5,6,7,24 122:11,13 122:18 124:10,17 125:16 125:23 126:4,8 127:5 133:24 134:10 136:6,25 137:4,10,21 138:25 145:8 153:24 161:15 163:18 164:13,24 170:20 172:10 beams 28:3 166:24 bear 180:8 beating 155:14 beautiful 28:14 62:15 166:16 203:10 BeDillion 1:18 3:5 beginning 34:24 167:5 196:3 behalf 2:2,6,9 68:12 143:4 176:12 believe 23:21 40:7 46:21 54:16 70:19 71:18 72:11 72:13,15,23 75:14 86:3 95:21 99:18 122:18 136:14 140:2 141:5 145:17 150:2,16 151:11 151:22 152:1 163:6,8 165:13 169:20 171:10 181:13 188:3 193:9 believed 179:7 believes 143:8 belongs 52:17 beneficial 66:25 benefit 10:12 18:9 benefits 189:9 best 8:15 16:8 29:5,7,9,22 29:23 33:13 35:15 92:12 99:19 133:7 136:25 183:3 best-dressed 125:24 better 10:13 77:2 190:4 beyond 77:11 130:10 186:25 206:16 big 46:2 52:19 53:23 59:5 125:4 126:21 134:1 167:19 199:5 bigger 111:9 Bill 4:18 10:22 12:3,10 18:7 129:16 136:1 138:19 165:20	bit 9:8 22:19 24:13 25:16 121:20 171:21 180:10 203:4 bite 46:2 BLADES 2:15 37:2 102:14 114:8,11 197:4,8 203:5 204:15 blame 46:15 186:21 blamed 156:24 blaming 44:19 blazers 137:8 bless 78:20 blessing 127:21 block 135:16 blocks 128:3 blood 109:23 blue 68:7 137:8 Board 2:12 5:22 6:13,16 8:9 19:25 20:3,4 22:13 33:8 43:9 44:17 46:4 65:14 68:24 73:9,24 74:7 75:23 76:5 78:25 80:7 81:25 82:16 83:9,18 90:23 91:24 117:3 122:8,9 123:1 153:10 154:2,9,16,17 155:2,6 157:18 158:3 169:19 192:23 194:13 198:2,6 199:15 201:2,5 207:14 boards 22:22 38:7 board's 67:11 74:18 117:25 169:24 Bob 130:17 177:4 184:13 188:15 192:13 Boca 121:2 185:24 boil 88:25 boils 99:8 bond 82:23 Bonding 202:10 bones 17:15 140:17 book 170:24 books 34:24 born 194:25 borrow 103:18,23 borrower 87:5,6,7,8 96:24 103:18 bottom 82:3 206:25 bought 4:19 80:4 94:1 96:25 167:1 179:13 182:12 205:6 Boulevard 52:16 120:15,17 121:13 129:2 bound 62:4 bounds 56:5 box 85:1 Boynton 121:5,6,7 brackets 28:3 brand 142:1 Brazilian 148:18 break 3:20,21 113:1,2 116:19,22 117:19 118:1 118:10 119:18 163:14 174:14 175:17 176:8 breaking 107:5 breaks 106:20 breach 14:19 bricklayer 29:3 bridge 65:21 brief 139:10 177:16 briefly 173:13 Brillo 120:24 bring 134:1 142:20 188:21 194:12 196:3 205:13 bringing 158:20 197:23,25 205:14	broad 26:5 64:13 124:16 125:21 137:3 broader 85:16 brochure 204:20 broken 192:14 broker 186:7 brother 137:18 166:1 brothers 137:19,20 160:6 brought 61:23 69:20 129:19 130:6 131:2,14 135:24 136:10 137:9 138:12 142:16,24 175:10 187:22 190:16 191:25 204:20 budget 82:3,14 89:14 build 16:18 17:21 94:2,3 101:25 168:8 172:9 184:6 builder 26:15 38:20 41:18 141:13 186:8 builders 104:18 builder's 82:8 building 24:19 25:19,21 27:3,19 28:6,8,11,17 29:8 30:3,12,15,23 31:19,21 32:8,19,24 37:17 38:12 39:22,23 40:19 41:16,21 42:25 43:1,19 48:22 49:17 49:21,24 50:21 51:2,7,10 51:13 52:2 53:16 54:8,15 54:17 57:24 60:20,20 62:5 62:6 63:22 64:5,10,18,18 64:21 76:20 77:3 82:11 101:13 125:9 126:11 127:13 132:6 133:2 161:13 164:23,23 173:3 189:5 195:3,7 196:21 197:18 200:21 201:23 202:22,23 204:8 buildings 29:18 39:5 42:3 44:10 49:18 65:10,24 120:2 127:16 202:24 built 25:19 27:4 35:17 41:8 49:18 126:15 141:24 164:3 165:22 166:4,12 171:9,18,19 bulb 45:7 bunch 18:25 183:14 burden 195:6 burdened 184:1 business 11:11 98:7 103:17 109:6 198:14 199:7,9,20 199:21,23 button 196:15 207:11 buttoning 200:8 buy 16:25 92:4 101:19,24 102:8 107:8 109:9 136:21 136:23 164:14 171:22 182:21 183:5,10,14 184:5 205:3 buyer 102:3 187:11 203:3 207:12 buyers 16:22 102:8 buying 109:13 184:4 buzz 59:5
B B 61:15 75:16 baby 207:10 back 7:16 26:25,25 37:14 44:5 50:11 53:2 71:16 86:1 94:20 96:11 98:8,18 118:11 119:21 120:4 123:4 125:3 129:19 130:6 131:2,22 132:14 134:7 135:6,12,18,24 141:25 158:21 165:18 174:15 176:6 181:6 182:25 184:18 197:12 205:23 backed 123:14 backer 11:1 background 164:4 170:22 170:23 backing 96:13 bad 10:7 11:11,20 45:16 47:3 185:1 199:7 203:2,10 badly 110:4 124:24 Bahamas 20:18 Bahamian 119:10 bail 202:9 Baker 170:17,19 178:17 Bakers 5:2 balance 103:8 balancing 28:23 balcony 28:2 ballister 28:5,15 ballpark 205:11 bank 13:22 14:4,5,6 80:12 81:4,7,11,22 83:18,21 84:5,21 85:25 86:1,4,12 86:15,16,20,21,22 87:3 89:20 90:13 93:24,25 96:9 98:3,4,5,8 103:11 105:23 106:12,16 182:24 183:6,7	183:9 196:17 banker 107:11 112:17 banking 81:10,23 bankrupt 16:5 bankruptcy 16:2,3,9 banks 86:25 bank's 82:17 96:21 104:22 bar 131:17 barrel 24:6 27:23 172:6 barren 28:6 Barron 166:25 based 26:1 51:8 54:22 55:24 66:11 84:1 96:7 151:9 174:20 basement 13:6 basic 38:14 135:20 basically 88:25 96:6 135:22 149:4 205:2 basis 18:18 40:8 56:10 66:14 68:7 71:2,6,9 82:19 87:25 88:1 170:11 batch 191:16 bathrooms 129:25 bay 135:21 bays 129:5 131:15,15 beach 1:10,20 2:5,6,8,9,11 6:14,20 8:7 9:14 27:5,10 35:17 55:23 81:10 94:13 101:23 119:21 120:12 121:2,5,6,7,24 122:11,13 122:18 124:10,17 125:16 125:23 126:4,8 127:5 133:24 134:10 136:6,25 137:4,10,21 138:25 145:8 153:24 161:15 163:18 164:13,24 170:20 172:10 beams 28:3 166:24 bear 180:8 beating 155:14 beautiful 28:14 62:15 166:16 203:10 BeDillion 1:18 3:5 beginning 34:24 167:5 196:3 behalf 2:2,6,9 68:12 143:4 176:12 believe 23:21 40:7 46:21 54:16 70:19 71:18 72:11 72:13,15,23 75:14 86:3 95:21 99:18 122:18 136:14 140:2 141:5 145:17 150:2,16 151:11 151:22 152:1 163:6,8 165:13 169:20 171:10 181:13 188:3 193:9 believed 179:7 believes 143:8 belongs 52:17 beneficial 66:25 benefit 10:12 18:9 benefits 189:9 best 8:15 16:8 29:5,7,9,22 29:23 33:13 35:15 92:12 99:19 133:7 136:25 183:3 best-dressed 125:24 better 10:13 77:2 190:4 beyond 77:11 130:10 186:25 206:16 big 46:2 52:19 53:23 59:5 125:4 126:21 134:1 167:19 199:5 bigger 111:9 Bill 4:18 10:22 12:3,10 18:7 129:16 136:1 138:19 165:20	bit 9:8 22:19 24:13 25:16 121:20 171:21 180:10 203:4 bite 46:2 BLADES 2:15 37:2 102:14 114:8,11 197:4,8 203:5 204:15 blame 46:15 186:21 blamed 156:24 blaming 44:19 blazers 137:8 bless 78:20 blessing 127:21 block 135:16 blocks 128:3 blood 109:23 blue 68:7 137:8 Board 2:12 5:22 6:13,16 8:9 19:25 20:3,4 22:13 33:8 43:9 44:17 46:4 65:14 68:24 73:9,24 74:7 75:23 76:5 78:25 80:7 81:25 82:16 83:9,18 90:23 91:24 117:3 122:8,9 123:1 153:10 154:2,9,16,17 155:2,6 157:18 158:3 169:19 192:23 194:13 198:2,6 199:15 201:2,5 207:14 boards 22:22 38:7 board's 67:11 74:18 117:25 169:24 Bob 130:17 177:4 184:13 188:15 192:13 Boca 121:2 185:24 boil 88:25 boils 99:8 bond 82:23 Bonding 202:10 bones 17:15 140:17 book 170:24 books 34:24 born 194:25 borrow 103:18,23 borrower 87:5,6,7,8 96:24 103:18 bottom 82:3 206:25 bought 4:19 80:4 94:1 96:25 167:1 179:13 182:12 205:6 Boulevard 52:16 120:15,17 121:13 129:2 bound 62:4 bounds 56:5 box 85:1 Boynton 121:5,6,7 brackets 28:3 brand 142:1 Brazilian 148:18 break 3:20,21 113:1,2 116:19,22 117:19 118:1 118:10 119:18 163:14 174:14 175:17 176:8 breaking 107:5 breaks 106:20 breach 14:19 bricklayer 29:3 bridge 65:21 brief 139:10 177:16 briefly 173:13 Brillo 120:24 bring 134:1 142:20 188:21 194:12 196:3 205:13 bringing 158:20 197:23,25 205:14	broad 26:5 64:13 124:16 125:21 137:3 broader 85:16 brochure 204:20 broken 192:14 broker 186:7 brother 137:18 166:1 brothers 137:19,20 160:6 brought 61:23 69:20 129:19 130:6 131:2,14 135:24 136:10 137:9 138:12 142:16,24 175:10 187:22 190:16 191:25 204:20 budget 82:3,14 89:14 build 16:18 17:21 94:2,3 101:25 168:8 172:9 184:6 builder 26:15 38:20 41:18 141:13 186:8 builders 104:18 builder's 82:8 building 24:19 25:19,21 27:3,19 28:6,8,11,17 29:8 30:3,12,15,23 31:19,21 32:8,19,24 37:17 38:12 39:22,23 40:19 41:16,21 42:25 43:1,19 48:22 49:17 49:21,24 50:21 51:2,7,10 51:13 52:2 53:16 54:8,15 54:17 57:24 60:20,20 62:5 62:6 63:22 64:5,10,18,18 64:21 76:20 77:3 82:11 101:13 125:9 126:11 127:13 132:6 133:2 161:13 164:23,23 173:3 189:5 195:3,7 196:21 197:18 200:21 201:23 202:22,23 204:8 buildings 29:18 39:5 42:3 44:10 49:18 65:10,24 120:2 127:16 202:24 built 25:19 27:4 35:17 41:8 49:18 126:15 141:24 164:3 165:22 166:4,12 171:9,18,19 bulb 45:7 bunch 18:25 183:14 burden 195:6 burdened 184:1 business 11:11 98:7 103:17 109:6 198:14 199:7,9,20 199:21,23 button 196:15 207:11 buttoning 200:8 buy 16:25 92:4 101:19,24 102:8 107:8 109:9 136:21 136:23 164:14 171:22 182:21 183:5,10,14 184:5 205:3 buyer 102:3 187:11 203:3 207:12 buyers 16:22 102:8 buying 109:13 184:4 buzz 59:5
			C C 3:2 75:17 137:14 160:9 CA 15:9 115:15 cabin 131:16 calculations 48:8 call 25:6 167:10 called 14:11 123:20 125:23 137:16 170:25 179:5 204:21 205:1 calls 7:6 27:11

cancel 195:10 canceled 195:2 car 185:7,7 care 92:9 96:16 118:14 174:13 careful 38:3,5 179:11 206:7 Caribbean 20:13,17 carpenter 29:4 carry 80:24 155:17 Casa 32:23 34:25 120:13 case 6:11 7:17 8:11,13,16 9:2,4 15:7,8 25:8 41:19 46:23 48:16 68:10 70:2 71:9 72:22 95:16 125:22 151:24 154:11 167:22 173:19 189:24 190:17 193:11 194:14 195:9 200:3 204:8,10 207:15 cash 84:3 96:17 97:17,20 cast 28:1 casual 137:9 catch 200:12 categories 76:11 caught 90:24 cause 3:6 caused 51:9 caution 191:4 ceiling 25:3 ceilings 35:6 64:9 166:25 cent 77:24 center 12:15,18 19:14 20:9 129:7 133:19 140:11,19 central 22:3 century 65:16 certain 14:22 39:3 49:14 50:25 56:11,19 57:5 62:12 64:1 85:6,12,15 89:17 96:15 110:19 143:6 153:24 157:20,22 170:3 188:18 189:11 202:4 certainly 6:17 8:10 17:14 21:8 34:1 40:23 44:15 47:6,17 48:11 70:9,25 93:13,16 107:13 127:1,14 132:18 137:15 192:13,22 196:25 certificate 22:4 61:14 72:3 72:10,20 94:20 179:15,24 183:13 certified 142:7 193:20 194:2 certifying 118:13 cetera 100:16 Chairman 5:21 15:6 20:20 21:7 22:10,12 34:5 44:13 51:12 61:1 67:5,9 68:12 68:22 69:5 70:4,12 74:14 76:1 79:14 107:9 122:8 139:3 143:16 144:2,5 156:20 157:16,19 158:1,3 158:4 175:24 190:19 challenge 47:6 205:16 CHAMBERS 1:10 champion 187:23 chance 52:16 118:7 138:13 149:19,22 156:18 177:10 change 12:4 39:8 40:8 41:6 42:17 53:11 62:21 64:18 65:17,24 changed 12:16,24 15:13 40:5 42:4 45:13,14,15 46:11 53:12,14 55:2,11 80:22 133:6 163:25 173:3 changes 12:5,7,13 13:14 14:22 39:9 40:3 41:22 42:9 45:20 46:7 47:11	48:16,19 53:20,21 59:15 61:5,13,19,21,23,24 63:7 63:18 123:7,9,16 152:15 152:16 163:8 173:3 179:16 changing 38:18 45:18 62:22 162:3 Chapter 167:22 character 27:11 29:17 32:8 46:11 124:21 162:4 201:4 characteristic 30:25 32:2 characteristics 23:24 25:9 25:23 26:10 27:20 28:9 37:21 characterize 30:8 charade 99:11,14 100:16 charge 33:10 201:15,16 charges 82:2 194:12 Charles 60:5 127:4 128:18 133:2 137:7 170:20 Charlie 126:12 160:2 166:2 166:19 167:14 171:8,25 206:12 charm 27:16 30:20,21 136:4 136:6 chart 76:4 81:13,16 84:13 cheap 112:2,4 check 102:4 checked 97:12 chew 180:11 child 166:22 Chilean 120:12 choice 33:6 100:12 108:20 108:24,24,25 189:10 198:9 choose 115:5 chooses 189:7 chose 16:23 Chris 163:17 Christopher 24:21 circles 127:2 Circuit 115:15 circulate 117:9,16 circulation 42:1 circumstances 8:24 9:1 85:11 92:16 110:20 138:18 143:7 150:13,21 151:7,12 156:11 157:7,9 157:11 202:4 City 121:6 claim 66:22 clarification 51:13 75:9 clarified 187:5 clarify 75:12 90:11 159:1 clarifying 187:18 Clark 52:17 77:17,18,20 78:17,19 95:2 134:22 164:12 182:3 classes 119:9 classic 35:16 classified 207:13 clay 24:6 clean 100:13 clear 44:14 54:2 73:11 76:19 97:19 98:2 106:7 107:6,24 124:9 153:18 156:15,20 182:11,11 186:16 clearly 46:23 125:1 142:9 189:6 204:16 205:25 clerk 4:3 15:10 97:9 client 10:6 80:3 91:6 92:1 107:4,19 108:15 179:10 179:12,13,21,22 183:3 184:8 195:17 199:4 clients 182:3	client's 106:20 109:18 195:12 207:17 climate 27:11 30:25 climbed 206:14 Cloisters 121:3 close 121:2 164:11 203:2 closed 172:16 closely 123:23 141:4 closing 186:11 206:11 closure 196:6 Club 121:7,9 125:6 126:10 Coast 25:21 coastal 48:23 coastline 25:22 cocoon 206:1 code 17:11 18:18 65:23 66:14,18 71:6 83:4 110:1 110:10 156:8 157:5 181:19 194:13 197:19,22 197:24 198:1 codes 48:22,23 159:11 collateral 84:3 85:8 86:9 100:22 101:3 102:25 105:12 collectively 45:5 collectivity 47:3 163:8 College 20:7 colleges 20:10 colonial 140:20 color 178:8,9 Columbus 24:21 combination 166:1 come 7:15 26:19,25 49:7,8 65:20 68:4 71:16 74:13 80:23 81:12 94:7 97:19 98:20 100:13 104:4 106:24 110:24 118:11 129:7 132:5 143:4 150:22 174:15 176:6 183:14 193:8 comes 6:22 43:7 59:19 66:7 123:1 204:14 comfortable 201:1 coming 8:17 33:25 81:3 82:13 commence 193:17,24 commencerative 162:20 comment 37:2,23 40:14 43:22 86:4 117:24 169:9 169:12 170:13 175:12 189:20 190:23,23 comments 5:9,14 22:8 34:15 36:4 37:20 45:5 81:24 117:24 118:5,10 159:24 167:7 169:20,25 174:3 182:8 Commission 1:4 5:10 16:20 32:5 36:7 44:8 49:7 55:19 61:16 62:2,6 63:6 64:23 65:2 67:1,3 97:15 119:2 124:22 130:20 136:1,16 142:6,7,8 146:23 147:3,11 147:23 148:7,23 149:14 149:25 150:5,7 152:12,23 156:5 161:16 162:17 174:1,4 188:7 192:23 193:5,25 194:6,8 198:10 203:6 205:17 commissioners 2:12 119:13 131:9 commitments 38:2 65:21 committee 165:14,18 176:10 common 166:2 communications 4:9 community 65:8,18 89:13	89:15 165:14 compatible 43:13 competent 191:5 complained 92:20 complaint 15:7 115:14 117:7 complete 83:1 88:17 97:3 completed 19:24 60:13 120:7,20 completely 40:20 58:6,8,10 85:6 161:10 207:9 completion 85:2 compliance 84:18 complicated 193:15 194:19 composition 28:25 62:18 compound 126:13 comprehensive 177:6 comprise 32:15 compromised 29:1 64:11 122:19 139:17,25 163:9 173:10 conceive 17:25 151:20 181:8 conceived 60:1 127:14 concept 89:10 140:23,25 concepts 139:23 concern 8:4 22:23 concerned 33:2 129:22,23 138:12 142:15 167:14 180:10 195:18 concerning 173:25 concerns 76:25 164:20 concessions 128:15 concludes 144:2 conclusion 51:22,24 203:1 conclusions 51:15 61:9 concrete 135:16 condition 10:11 50:16,21 51:18,25 53:20,20 59:21 60:11,16 91:18 92:21 97:15 111:15 181:17 200:3 203:11 conditioned 52:1 conducted 20:15 configuration 12:22 confirm 149:12,13 confirmed 80:12 178:18 179:4,6,9 confusing 106:7 confusion 163:22 182:7,9 connection 17:4 40:4 45:4 154:14 consciously 95:12 consciousness 94:22 consensus 123:15 189:17 conservation 19:14 20:14 consider 7:2,17,21,22 32:6 33:17 39:4 55:6 61:17 64:14 67:24 68:11 70:23 71:13,14 72:24 74:3,4 87:4 121:13 174:21 175:1 181:23 considerable 59:13 consideration 9:4 22:9,23 36:14 42:24 74:6 141:9 considered 57:19 62:3 71:15 169:2 181:8 205:22 considering 67:2 consist 29:19 consistent 162:21,23 constant 70:1,1 constituted 17:11 constitutes 157:9 construction 26:13 30:6,20 31:5 48:24 96:8 195:8 201:16
--	--	---	---

consultant 19:23 117:23
119:20
contain 13:12
contains 71:22 135:13
contemplated 14:1
contend 138:7
contention 132:23 135:19
136:13
context 28:7 39:22 44:18
58:5 59:19 89:12 137:1
156:4 158:14 160:24
178:8,21
continually 61:4
continue 44:10 69:25 74:16
84:5 109:3 112:25 152:18
168:20 186:20 195:5
continued 116:9
continuing 32:25 44:8 139:5
162:2
contracted 63:4
contractor 195:12
contradiction 7:25
control 11:5 57:13 167:17
controlled 179:18
controlling 15:15
conundrum 190:10
conversation 5:4 49:14
142:23 143:19 205:7
conversations 4:20 97:2
converse 147:9
convinced 99:18,20
cooperate 70:9
cooperative 68:23
coordinate 150:4
copies 18:25 76:14,14 116:3
117:5,11,12
copy 15:6 18:23 19:11
117:10,17 159:2,3
core 12:18
corner 12:14 131:16 133:15
135:8,9 172:16
corporation 6:1 87:7 128:12
179:17 199:1
correct 36:19 60:7 65:7
66:19 80:22 84:11 86:24
87:12,13,23 90:14,18,21
91:23 93:12 99:2,3 101:4
103:19,25 106:4 107:13
107:25 108:9 111:11
144:14,17 145:16 146:1
147:8 149:15 152:12,14
153:10 167:8 178:12
182:19 188:4 189:25
191:23 193:17 201:8
correctly 88:12 144:13
146:8
cosmetics 38:23
cost 13:19,25 14:1 15:23
89:25 91:13 94:5 96:6
99:16 112:10,13
Costa 20:18
costly 10:16
costs 80:3 81:17 99:15,15
Cotta 31:7
council 1:10 3:4 8:10 91:2
111:18,19,20,25 122:3
124:24 194:9,11,14
196:12 198:14
counsel 174:5
count 146:3
Country 170:25
country 2:2 3:10,25,25 6:3
20:3 26:6 76:7 81:10
115:8,16 120:24 124:2
128:12 130:13 131:4

136:2 163:21 164:1
179:12 207:20
couple 36:4 179:23 185:20
course 7:8 9:20,25 12:2
13:16 15:19 16:18 25:5,12
29:11 36:22 38:13 39:20
40:15 43:4 47:14 51:9
58:3,4 61:3 71:14 76:19
83:9 86:18 94:9 112:11
123:12 144:21 171:2
189:9 192:15
court 55:16 92:9 115:15
129:6 130:16 158:9
164:23 166:9 185:14
courtroom 157:25
courts 14:25
courtyard 13:7 57:16
131:19 140:22
cousin 166:25
covenant 164:19
craftsmanship 26:14 31:13
36:1
create 189:11
created 19:14 28:25 29:1
63:15 172:9
creates 30:12
credibility 202:7
credit 81:9,22 87:19
creditors 167:24
cries 7:7
crisis 186:5,23
criteria 18:15,17 23:5 25:15
25:24 26:24,25 27:2,18
28:17 32:25 35:12 72:15
82:22 124:11,12,15 125:1
125:6,11 137:3,14,15
138:6,6 141:7,10 144:18
144:25 145:13,14 146:13
146:22 147:16,22 148:13
151:14,24 152:5 160:9
193:1 207:1,2,3,22
critical 179:19 180:21
cross-examination 169:12
192:7
cross-examine 143:2 144:8
170:8 175:13 191:1
crumbling 134:22,22
Cuba 20:17 172:7
cultural 19:15,19 26:5 30:25
124:16 125:21 137:3,10
160:8
current 51:18,25 56:1
194:22
currently 84:17 102:21
104:15
curve 165:20
cut 207:10
cypress 166:24

D

D 3:2 137:15 138:6
dad 186:9
Dade 20:5
damn 66:1
dance 27:14
dare 8:17
data 73:6 74:11 76:7 114:22
168:18
date 14:2 80:6,11,20 193:16
daughter 14:12 186:9
206:20
day 4:14 21:11 54:19 73:15
74:5 118:24,25 136:12
139:6 141:18 142:5

157:14 160:3,23 161:24
162:18,23 163:11 178:20
180:14 181:12 185:25
190:14 191:8,10
days 83:24 99:24 100:5
293:16,18,25
Day's 145:18
deal 16:7 42:17 87:10 111:3
186:6 188:19 198:15
199:3,9 204:3 206:20
dealing 16:3 65:14 111:4
185:10,10
deals 61:12 70:15
dealt 16:14 45:21
Dean 20:7
death 126:5
debate 5:11 79:7
debilitating 186:20
debt 81:25 82:2 84:1,16
decades 201:5
decayed 10:8
deceased 188:17
decent 108:22 128:9
decide 7:25 100:5 194:15
decided 9:19 121:14 124:22
133:8 148:23 155:17
197:2 202:8
decides 147:2
decision 35:3 63:6 64:17
66:9,11 79:17 103:17,23
108:6 111:25 165:16
199:7
decisions 11:11,19 44:1
184:23 201:2
declared 97:11
decline 84:15 85:17
decoration 25:7,8
decorative 25:5 28:2,4 35:5
35:11
decreasing 189:18
deed 164:15 180:25 190:25
193:7
deem 148:7
deemed 57:19 147:11
deems 111:21
default 196:23
defer 68:25 69:6,23 70:5
73:18 74:14 75:4,7 169:13
169:18,24
deferral 69:8,10 70:10 71:12
74:8 195:24 196:1
deferred 68:20
deficiencies 105:12
deficiency 103:9
defined 204:16
definitely 118:3
definition 159:4
definitions 161:19
degree 56:19 57:8 58:7
203:24
delay 196:2
delicacy 11:17
deliverable 193:21 194:2
delivered 193:23
DELP 2:20
demolish 109:1 121:15
189:4
demolished 35:18 57:12
111:16 129:2 183:24
demolishing 198:11 201:22
demolition 10:14 71:2,8,20
73:2 75:13,16,17,18,19
77:10 85:19 151:19 193:2
193:3 197:24 198:13
207:13

demonstrate 207:21
demonstrated 30:21 62:23
denied 207:20
department 49:24 81:11
87:19 122:4,24 123:5,16
124:6 127:9 134:8 138:8
160:16 195:9 197:18
Depending 159:4
depicts 162:6
deplorable 91:18
Deposition 1:19
described 180:23 184:13
deserving 150:23
design 19:19 25:19 26:22
32:2 35:1 38:14 39:5,10
39:18 41:6,10,10,11,23
42:21 50:22 57:22 63:16
63:24 64:11 135:4 141:21
148:10,16,21 149:1
designate 9:19 23:6
designated 7:11 9:13,25,25
23:14 27:2 84:13 124:13
124:14,15 137:2 145:3
185:13
designation 9:17 23:3 26:24
27:1 33:1 71:25 113:19
120:10 150:19 155:22
167:12 188:11 205:21
207:22
designed 24:22 28:18 41:5
42:2,16 57:24 58:25 62:18
63:25 125:7 133:13
145:11,14 147:6 148:3,20
160:12
designer 23:16 26:15 42:23
60:19 62:7,8
designing 63:21,22
designs 27:12 28:16,22
30:22 35:9,11 39:14 54:22
62:16
destroy 30:6 59:21 64:20
153:2
destroyed 31:11 41:8 53:22
60:22 63:9
destroying 32:7 35:21
detail 10:4 81:8 125:15
details 35:6,9 81:16 135:1,4
deteriorated 10:8 17:20
132:8 196:9,20
deteriorating 159:12 194:11
deterioration 14:20 111:15
192:25 193:2,7,9 196:11
197:25 207:14
determination 149:15 194:7
determine 33:13
determined 196:7
determining 205:22
developed 140:7
developer 101:15 136:20
165:5,18 166:3 168:3
186:8
developers 123:24 184:25
185:2,16
developing 165:6
development 84:5 206:14
devoid 28:7 31:19 36:1
de-designate 8:22 17:6
138:2 151:8 157:3
de-designated 7:11 99:10
156:10 177:6 207:8
de-designating 150:14
de-designation 7:7 10:14
18:18 63:3 71:20 76:23
113:19 150:23 151:21
156:7 181:19,21 207:16

de-landmark 17:8 173:14 de-landmarking 66:15 67:12 68:5,8 150:13,24 Dianna 1:18 3:5 died 140:9 differ 181:2 difference 49:2 53:18,24 54:4 63:15 78:18 101:11 132:15 158:16,18 different 8:11 24:9 28:24 40:20 41:4 49:17 53:13 56:3 70:18 83:13 122:23 132:11 139:23 143:21 161:2,10 179:17,18 180:22 181:1,7 differentiate 127:12 161:11 differently 161:8 differs 40:12 difficult 6:25 17:3 33:6,16 38:8 76:22 124:5 136:18 173:11 difficulty 6:11 dig 185:14 diligence 96:21 diligent 38:9 40:2 dime 80:5 95:19 106:21 dining 129:24 130:8 dinner 125:25 166:22 173:20 dire 9:3 direction 116:25 directions 136:20 directly 7:15 30:9 director 19:13 20:8 149:24 directors 20:4 dirt 101:21 109:7 disagree 58:17 69:16 112:12 157:10 disappeared 9:24 disclose 11:13,16 discount 164:9,16,18 187:10 187:16 discover 96:14 discovered 14:20 15:19 discovery 96:13 discretion 194:12,15 discuss 11:18 17:12 168:5 discussing 34:2 discussion 6:9 9:6 14:24 62:11 72:10 192:4 197:1 discussions 97:2 134:5 175:18 disengenuous 43:23 dispute 10:3,5 disregards 59:19 dissimilar 56:21 distinction 19:8 160:18 distinctive 30:24 distinctly 129:5 distinguished 119:4 distinguishing 26:10 distributed 189:16 Division 61:14 divisions 197:17 doable 90:3 document 76:10 115:7,10,11 130:21 documentation 69:4 70:16 75:22 131:1 169:23 documented 39:14 documents 29:6 67:7 115:19 117:22 doing 13:16 48:25 95:12,24 113:22 137:6 161:17 197:13,13	dollar 104:9 105:1,6,10,14 105:14 108:1 dollars 14:2 93:3,5,22 100:16,17 103:6 105:19 105:21 106:10,11,15,16 110:25 112:14 168:10 182:23 183:16 194:17 Domingo 24:21 Dominican 20:18 door 13:4,9 35:23 39:23 102:4 126:12 128:16,19 129:8 133:3 137:19 166:5 171:18,22 doors 28:5,13,14 29:13 31:23 49:10 62:19 doorway 12:15 doorways 25:1 Dorothy 163:23 164:17,20 166:19 doubt 139:23 dozen 4:22 dozens 200:15 dreaded 7:19 drive 2:4,10 166:2 driven 85:16 driveway 128:20 134:1 166:9 due 96:21 146:3 199:23 207:13 duties 150:4 E E 3:2,2 earlier 31:6 37:6 122:12 149:16 159:24 166:23 184:24 188:1 192:21 195:24 196:14 early 30:17 34:22 47:8 59:1 65:15 93:10 119:17 120:19 121:16 125:5 126:16 130:17 137:5 161:6 easier 43:11 east 2:4 12:15 13:4 25:22 32:11 53:13 55:4,5 63:11 129:4,10,13 130:6 131:13 132:23 140:10 141:19 eating 173:19 economic 17:10 26:5 66:16 66:21,23 71:7,21 73:5,6 75:15 83:4 85:16 89:10 90:2 92:4 108:17 109:17 109:18,20 142:18 economically 143:9 economics 100:7 142:15 204:25 205:11 educated 191:17 education 19:18 20:9 150:10 150:11 206:14 educator 19:22 effort 11:24 13:15 efforts 200:16 eight 129:13 130:5 either 14:16 16:19 46:7,20 95:4 122:19 135:9,11 153:25 159:21 181:15 183:22,23 190:12 El 120:24 electrical 10:9 element 11:6 127:12 133:9 elements 27:21 28:21 31:23 58:13,14,15,15 62:12 196:20 elephant 184:10	elevation 31:12 35:25 39:2 45:18 140:11 142:2 eleven 15:20 Elias 4:18,24 10:22 12:3 18:7 21:16,16,25 43:24 44:21 88:13 123:14 128:11 129:16 133:23 136:1 138:19 140:13,18 142:23,25 143:2,20 162:4 166:7 168:6 199:12 205:8 eliminate 70:7 eliminated 131:16 eluded 61:4 171:20 192:21 192:22 embarked 11:23 embarrassed 65:18 embodies 26:10 27:19 emotionally 186:5 emphasis 42:12 enclose 112:10,14 encompassed 113:24,25 encourage 143:3 Enforcement 194:13 197:19 197:22,24 198:2 engaged 20:23 engine 9:22 engineer 196:8 enhance 27:15 enjoy 42:3 104:7 enjoyable 119:8 enjoying 134:14 enlarged 130:5 enlargement 12:17 enter 43:6 129:9 enterprise 202:20 enthusiastic 171:22 entire 12:18 19:4 32:12 71:2 73:9 172:4 206:3 entirely 180:22 entitled 3:6 66:20 75:13 76:6,10 115:7 146:4 entity 179:13,15 entrance 12:15 24:17,23 27:13,24 30:16,18 31:9,9 35:5 38:18 40:9 42:13 53:11,12 55:13 57:10 58:14 63:14,14 132:25 133:1,25 135:21 173:8 entrances 160:11 enumerable 4:17 130:1 enumerated 198:9 envisioned 182:1 183:12 equal 52:21 equation 46:1 equity 11:10 era 12:22 27:5 31:14 36:1 error 46:16 50:15 especially 38:1 170:23 Esquire 1:19 2:3,6,9 essentially 36:19 72:8 140:4 141:5 142:24 158:21 174:24 200:18 establishing 67:3 estate 76:12 103:2 115:12 120:14 126:20 134:14 164:6,17 186:7 estates 27:4 126:19 estimate 82:13 et 100:16 euphemistically 16:5 Europe 172:8 203:17 evaluate 89:22 evaluated 87:21,24,25 88:20 89:4,6 evaluating 122:25	event 10:17 80:2 events 26:9 86:19 eventually 207:13 Everglades 125:6 126:10 everybody 102:7 106:19 109:11 117:13 128:24 167:25 170:17 201:23,24 eves 28:4 evidence 57:23 67:3 145:24 162:8 175:12 187:16 190:24,25 191:3,4,5 evidences 193:18 evil 140:15 evolve 65:24 exactly 23:13 40:21 44:6 51:1 52:25 66:19 71:5 103:15 130:7 examination 192:7 example 45:11 48:3 59:18 65:25 85:24 89:22 91:14 93:9 148:2 161:12 examples 29:5 42:22 exceptional 34:23 exceptions 165:5 excited 24:10 166:21 excitement 59:14 exciting 143:11 172:1,3 excuse 34:3 71:2 75:6 115:10 139:15 145:25 169:13 186:22 193:18,21 197:21 excuses 180:24 executive 5:10,16 118:11 174:15 175:23 176:5 177:11 178:11 192:2,3 exemplifies 26:4 27:4 exhibits 27:6 31:13 exist 56:11 existed 180:23 existent 151:15 existing 26:23 48:3 81:17 exists 13:3 29:12 30:23 145:6 exits 78:15 79:6 expect 29:20 109:5 183:21 expectation 79:9 183:19 expectations 205:23 expended 194:18 expense 194:16,16 expenses 82:4 183:1 expensive 172:8 experience 19:8 39:3 49:15 101:18 119:9 121:21 162:16 183:18 experienced 119:4 expert 17:16,17,18 18:21 21:9,17 22:1 34:6 39:3 145:21 191:6,18 experts 181:1 191:7 explain 7:8 77:24 81:7 82:16 98:22 explained 96:5 explaining 78:23 explore 157:2 170:4 explored 200:4 exposed 12:19,20 expressed 64:5 extended 129:13 extends 30:13 32:13 extension 63:12 83:24 extensive 37:7 extent 8:3 49:14 50:25 55:24 57:5 58:2 85:15 153:22 exterior 29:25 30:24 32:1 41:15 61:18,21 62:12,20
---	--	---	--

62:22 63:8 64:3,6 123:8
132:19 152:17 200:9
extra 107:6 133:10
extraordinarily 8:16 10:7
extraordinary 8:24 9:2
extreme 66:20,22 71:21 73:2
73:2 77:11 83:6 152:3
extremely 10:16
ex-parte 4:8
eye 12:12
eyes 23:17
eyebrow 92:23,24 94:12

F

fabric 54:8 59:20,22
fabulous 53:3
facade 30:1,4,13 31:4 32:11
32:11,19,21 39:2,16 42:13
53:13 57:9 63:11,12
128:17 129:4 132:23,25
133:12 134:1 141:20,23
facades 141:22
face 6:25 44:5 186:19,20
faced 12:21 128:1 186:23
200:17
facilities 84:14
fact 14:25 24:20 29:10 37:19
38:25 43:25 50:9,20 57:11
58:3 59:6 62:5 77:22
82:11 91:10 96:15 98:24
99:18 106:21 107:3
108:13 111:21 123:19
124:13,21 127:8 131:16
131:25 144:15 145:1
152:7 156:9 164:21 170:4
170:14 174:24 175:3,21
179:3 185:13 187:21
188:19,20 189:3,4 191:23
192:18 194:13 202:21,22
205:21
factor 148:16
factories 172:9
factors 67:4 85:7 200:11
203:20
facts 7:18 8:11,15,18 9:4
51:8 74:6 77:16 84:1
95:23 178:12
factually 193:11
falls 193:24
failure 198:1
fair 71:23 86:23 102:5 159:6
fairly 56:19 73:11
faith 94:21 138:19 163:1
165:8 199:11
fall 34:19 190:18
familiar 22:6 58:19 158:23
family 9:11 13:9 106:14,20
107:4,4,7,14 125:22 126:6
126:13 164:6,18 167:3,3
168:17 172:19 173:15
174:23 185:11,12,14
186:5,18 187:9 202:20
203:22 205:8 207:17
famous 165:17 171:5
fan 25:12 28:4
far 14:1 16:9 19:5,5 53:16
73:11 134:6 138:11
142:15 168:14 188:21
194:20 196:24
farther 81:5
fascinated 24:6
fashion 41:24 196:2
Fazio 130:18 165:19 166:11
172:15

fast 128:24
father 14:21 15:1 91:7
fault 44:7 45:3,3 46:14
98:13 104:6 199:6
favor 111:12 114:17 118:20
187:7 195:16 208:5
fear 7:24 167:17
feasible 202:11
featured 171:2
features 23:25 24:23 27:6,15
30:7,24 32:1
feed 206:8
feel 33:21 35:11 77:13 92:6
104:3 125:14 129:18
172:20 199:18 201:1
203:23 206:19,21,22
feeling 34:19 166:18 186:2
feelings 68:16 190:12
192:13
feels 68:24
feet 54:10 129:13 130:5
fell 85:7
felt 187:23 197:18
fenestration 133:10,11
135:22
fenestrations 141:19
field 19:9,22 37:11 119:5
158:20 159:7
Fifteen 120:16 150:8
figuratively 181:17
figure 105:7
figures 80:21
file 37:8,9,10,22 120:2,8
filed 9:18 15:3,7 67:14 69:14
115:14 117:7
filing 97:11
fill 129:16
final 35:24 159:9
finance 176:11
financed 78:2
finances 14:9 138:18 201:20
financial 11:1,15,19 67:14
69:7,11,14,20 70:15,16,22
70:22 71:1 72:19 73:3
76:6,13 85:7 100:21,24
102:11,25 104:22 107:23
114:21 115:3,8,9 118:17
131:6 138:11 174:22
182:10 184:21
financially 14:17 95:9 186:5
190:5
financing 13:17 85:2 96:25
201:16
find 17:3 24:14 27:3 38:6
52:9 76:21 78:13 97:10
111:12 131:8,11 146:23
147:23 193:11 195:15
204:24 207:12
finding 51:15 61:8 93:2
193:4
findings 67:1 193:13 194:10
fine 12:11 173:16
finer 192:19 197:19
finger 46:20 47:1 187:12
finish 47:16,18 53:9 77:23
79:4 85:6 91:4,8 92:8 93:3
96:23 97:3 102:1,6 108:6
109:22 110:21 111:1
168:22 183:16 184:16
190:9 196:13
finished 18:12 34:10 50:4,6
60:17 92:7 98:14 104:21
104:23 105:18 108:2,3
177:20 183:12 185:22
186:4 190:1,2,3 192:16

198:20 203:1
finishing 50:2 77:18,22
101:11 109:14 111:8
131:5 200:8
finishings 62:15
fireplace 130:10 133:17
135:10
fireplaces 134:19
Firm 5:24
first 4:2 7:10 13:13,19,22
14:23 22:5 35:4 37:14
43:22 74:25 76:1,3 81:18
88:4 90:16 96:20 100:24
104:3 114:14 116:5 119:3
126:9,13 130:19 136:14
137:5 141:3 145:13 160:5
176:15,21 177:23 178:15
178:19 179:3 183:8
185:24 191:14,16
fish 111:9 179:25
five 103:5,8 104:8 105:1,6
105:10,13,18,21 106:2,15
108:1 110:24 120:10
182:23,24 183:15
five-dollar 103:12
fix 185:6
Flagler 2:4,10
flawed 64:16
floor 12:17 13:13 57:11
172:7 192:4
floors 132:18
Floresta 121:4
Florida 1:10,19 2:5,8,11 3:6
19:16 20:1,6,17 22:15
33:8,9 37:22 119:8 120:1
120:7 122:21
flow 84:3 96:18 97:17
focus 55:11
focusing 34:22
folks 131:3 133:20 191:16
202:14
follow 5:6 26:3 34:1 65:3
151:25 163:2 184:14
following 23:19 61:16 67:4
72:16 104:1 108:19 139:6
follows 19:12 77:16 80:10
follow-up 88:2 89:3
footprint 30:14,14 32:13
41:24 206:8
force 86:22
foreclose 105:16
foresight 46:16
forever 164:7
form 41:24 55:17 70:18
135:20
formal 161:5
formed 31:2
former 165:12
formerly 20:2
Forms 120:8
forth 81:3 92:22 93:11
96:10,11,17 100:10
184:12
fortune 77:18,20,21 78:20
166:20
forum 83:13
forward 8:7 35:2 36:7 75:4
75:11 85:12 123:17
138:24 155:17 193:8
194:12
FOSTER 2:10
found 17:2 27:22,23 33:5
54:22 61:13,24 63:8 91:17
99:24 125:4 151:13 172:8
191:18 194:10 195:10

foundation 48:5 189:15
fountains 120:4
four 34:17 76:12 91:13
115:13 124:12 125:11
131:15 141:10 207:3
fourth 28:17
fox 134:12
foyer 31:3 55:13
Francisco 166:20
Frank 2:19 72:8 73:19 96:3
97:7 131:10 139:3,5
143:13,17 144:2,5,18,21
144:24 145:16,20 146:1
146:10,15,17,21 147:1,10
147:17,21 148:10,12,17
149:5,7,16 150:2,8,11,16
150:25 151:4,11,22 152:9
152:13,15,21 153:4,11
154:19 155:5 157:11
158:19 159:4,7,17
friend 164:11
friends 4:21 121:4
frivolous 33:20
front 13:3,4,9 129:8 135:21
166:5,13 203:14
fry 111:9
full 175:25 207:16
fully 71:15 182:6
function 57:5
functionally 65:13
fund 88:15
funds 88:15 111:22
furnishes 62:15
furniture 25:10
further 79:25 81:3 82:19,19
97:12 149:17 159:21
174:3,6 196:9
furtherance 190:21
fuse 19:18
future 7:22 8:18 65:24 132:5
148:4 196:18 199:17

G

G 3:2
Gainesville 119:10
gambling 85:9
game 46:22
gap 65:22
garage 13:11,13 135:13
167:19 173:9
garden 203:8
gardens 39:21 166:16
206:10
gates 120:4
gather 197:17
gee 132:5
Gene 94:17
general 6:16 25:18 34:20
89:15 97:2 188:23
generally 61:15
generations 161:2 199:18
genius 17:18 39:24 41:2
43:7
gentleman 168:16
gentlemen 5:22 52:22
Georgia 161:7
getting 90:24 95:5 156:18
168:14
give 4:4 15:9 20:24 22:17,25
44:22,22 68:15 74:11
76:17 98:15 106:19 148:1
164:4 174:3 175:12
177:25 194:22 195:4
given 9:4 10:11 17:22,22

22:18 44:5 48:21 49:25 50:1 51:7,16 83:10 85:7 122:15 165:5,7 193:16,18 195:14 gives 129:18 136:16 giving 19:1 34:20 71:1 glad 108:11 199:25 glance 19:6 117:9 glaring 38:24 glass 127:20 go 5:10,16 6:8 7:8 8:7 11:12 12:6 16:24 19:4 26:25 34:7 35:2 36:24 37:3,14 45:16 47:16,18 48:25 50:11 53:24 54:25 68:10 70:13 72:6 74:7 75:4 76:2 78:14 79:17 81:7 85:12 92:8,12 93:24 94:17,24 99:11 104:7 105:22 106:2 108:22 110:14 116:12 118:2 123:17 128:24 131:10,15 132:14,22 133:16 134:7 135:6 138:24 144:9 149:18,19 149:23 165:18 166:21 170:17 174:15 175:22 176:5 177:11 178:10 182:23,24,25 183:5 195:21 196:10,24 197:19 202:9 203:2,7 God 4:6 78:20 154:20,22,24 goes 183:9 198:13 202:6 205:24 going 5:6,7 8:14 9:3 11:13 14:13,14,16 15:5 16:12 17:11 18:8 19:4 21:2 23:1 35:2,21 54:16 56:8 63:23 64:23 70:6 73:16 74:5 75:10,25 76:3 79:5,7,19 79:22 81:3,6,11 82:12 83:5 92:2 93:11,19,20,24 94:2,3,7,9,14,25 95:9,16 96:1,3 98:15 99:1 101:14 102:7,17 107:7,7,22 108:5 108:9,12 109:1,2,8,9,11 110:24 112:8 115:4 116:8 116:18,18 118:4 121:16 123:4,10 125:19 128:13 130:22 131:11 132:24 133:16 134:1 141:15 142:11,13,20,21 143:1 156:14 158:3,13 162:5 163:3 165:16 168:8,9,15 170:6 172:13 174:14 175:6 176:20 178:10 181:6 183:21 185:7 188:10,12 191:10 192:17 192:19 193:14 196:25 197:2,3 199:5 206:6,23 good 4:21 5:21 22:12 34:14 56:5 66:1,10 73:23 77:20 80:7 92:24 94:13,21,22 99:23 108:12 110:17 119:2 138:19 140:16 165:8 186:17 199:11 204:5 gotten 74:23 116:7 164:10 grabbers 185:16 Grace 125:5 grand 27:4 55:12 120:14 125:4 126:19 133:25 134:2 grandchildren 4:20,24 5:1 grandfather 164:3 165:22 170:21 172:24	grandfather's 163:19 171:8 grandmother 165:24 206:23 grant 71:7,8 190:18 197:3 granted 17:9 40:8 96:18 gray 56:20 great 5:20 60:8 69:18 93:9 110:16 115:1 125:14 138:25 163:19 173:12 206:19 Greater 20:17 greatly 124:20 green 49:25 206:17 Greenberg 2:3 5:24 greet 134:13 grip 15:18 ground 57:11 157:17 grounds 66:20 68:6 70:8 73:6 143:24 157:3 201:10 growing 171:12 guarantor 201:14 guarantors 55:1 guardians 6:19 guess 11:25 37:23 38:16 43:22 49:22 53:23 55:6 77:1 91:24 97:7 112:19 113:17 192:1,12 guests 27:13 129:9 guilty 178:6 Gulfstream 121:8,9 Gurnee 35:23 57:15,15 58:9 60:6 126:11 128:19 167:14 171:21 Gurnee-Munn 57:1 160:1 163:19 167:1 171:23 173:24 206:15 guy 173:22 178:25 179:2 guys 94:18 H half 4:22 108:2 109:12 112:14 196:14 207:11 hall 27:13 30:16 hand 91:21 200:2 207:7,8 handmade 24:8 hands 199:15 hanging 131:22 HANLEY 2:17 4:12,17 5:1 HANLON 2:6 68:12 149:12 happen 14:4 79:9 93:19 102:7 110:18 124:8 127:3 152:7,8 183:19,20,22 184:7 192:17 happened 46:17 47:12 85:13 91:22 132:15 161:3 183:18 188:6 202:24 203:9 happening 15:18 59:17 132:21 181:16 happens 62:17 111:19 203:15 happy 100:11 102:7 115:25 117:17 183:17 harassment 70:1 hard 29:10 44:9 46:2 55:20 130:21 181:8 199:12 203:6 207:6 hardship 17:10 66:16,21,23 67:14 69:15 70:16 71:7,21 72:19 73:3,6 75:15 83:5 89:10 90:2 91:6,9 92:4 109:17,18,20 Hartcore 10:21 Harvey 73:15 hate 165:3,15	hazard 94:12 head 45:8 74:15 heading 115:12 headlined 71:19 health 14:21 92:22 100:9 195:25 hear 69:3 88:3 161:21 heard 144:13,15 158:22 165:6 168:24 187:17,19 hearing 3:9,24 21:25 72:17 74:25 119:15 125:9 136:12,22 157:18 169:15 174:1 178:5 193:6 194:1,4 hearings 110:20 hearsay 21:16 143:23 168:13,19,22 203:16 heart 186:25 202:6 heartless 200:22 201:13 heavy 25:8 28:3 32:17 heck 92:2 94:15 hedges 129:6 heights 41:4 help 4:6 35:2 86:14 91:25 92:1,1 95:23 110:6 184:25 186:9,15,19 199:12 204:5 helped 46:25 Heritage 19:15 20:5 hesitance 86:15 hey 14:7 he-said 21:24 143:14 high 65:4 highlights 11:6 hindsight 10:12 18:10 historian 132:4 historic 19:22 20:1,3,9,16 26:7 28:19 29:17,19 30:12 31:1 32:7,16 33:3 38:4 40:10,16 51:3,10 57:19,20 59:19,21,22 119:7 121:5,8 121:24 127:22 162:2,4 163:10 204:22 205:21 historical 17:17 18:21 19:19 31:20 33:22 50:9 56:17 60:14 126:18 160:5 164:21,22 170:23 180:15 historically 45:22 128:17 172:21 history 9:7 11:7 22:18 23:23 26:6,9 44:8 120:21 124:16 125:21 127:18 137:3 140:23 162:7 164:5 204:11 hit 129:1 hocus-pocus 167:10 179:5 Hoffman 2:3,13 4:24 42:12 43:14 45:19 80:14,18 100:21 101:2,5,7,10 115:23 118:3 198:22,24 Hoffman's 102:15 hoist 95:10 hold 86:9 176:1 194:3 204:6 holdings 100:24 167:23 hollow 132:6 134:18,19 home 16:18 63:10 126:1 144:16 145:10 164:7,12 165:19 166:11,13 186:3 homes 59:4 128:7 166:14,15 honor 65:4 66:2 136:15 hood 206:23 hope 7:1 21:10 104:3 108:24 147:21 165:20,22 167:5 186:24 206:6 207:12 hopefully 11:17 host 189:2 hosted 27:14	hour 67:21 house 4:15 9:8,9,9,13 10:2,6 10:7,17 12:1,5,13,15,18 12:21,25 13:3,4,7,21 14:1 14:14 15:17,22 18:11,15 18:13 22:5,6 24:22 35:7 35:10,23 36:9 40:11 41:8 42:15 45:12 46:12 47:2,4 51:18,20,25 52:4,22,24 55:8,9 57:1,2,15,15 58:10 58:13,21 59:13 60:5,6,11 60:12,19 61:6 77:7,8,17 77:19,22,23 78:1,4,8,12 78:12,17 79:4 81:4 83:21 91:4,18 92:7 93:3,8 94:2,3 94:13,14 95:19 96:8 98:14 101:25 102:2,6 104:21,23 105:18 107:17 108:2,7,18 109:12,13,21,22 110:4,18 110:21,23 111:1,14,24 112:10 120:16 121:16 122:12 124:1,19 125:14 125:15 126:7,15,19 128:18,19,19,25 130:4,13 130:14,19 131:2,7 132:9 133:12,13,21,24 134:17 134:22 135:6,14,20,20,21 135:22 136:14,24 137:1 137:16,17,18 139:17,24 140:7,21 141:3,6,24,25 142:4 147:23 148:18,19 148:20 152:16,18 155:15 156:23 157:4 160:1,2 161:19 163:19,20,20 164:2,5 165:21 166:5,21 167:1,3 168:8 171:8,9,10 171:17,18,23,23,25 172:20,23 173:2,14,24 177:2,3,4 178:19,24 179:2 180:1,15,21,22 181:16 182:5,12 183:12,17 184:6 184:16 190:1,2,3,7 196:4 196:7,15 197:20 198:11 198:19 200:9 203:10 204:6,10 205:4,5 206:2,5 206:8,9,12,15 houses 28:16 35:17 123:9,10 126:11,14 127:15 128:9 130:2 134:20 135:1 136:11 137:20,22 138:25 160:10,18 163:23 170:25 171:15 177:5 human 137:19 hundred 49:4 93:3 hungry 128:24 hurricane 48:23 111:24 127:20 128:1 129:1 132:12 196:4,5 husband 9:12 hypothetical 105:7 hypothetically 105:8 I ICROM 20:15 idea 133:7 203:2 ideal 16:9 identified 26:7 120:3 identify 29:14 81:20 ignore 64:24,25 65:2 III 115:18 ill 15:2 image 24:12 25:16 images 23:10 31:2 imitate 77:7
--	--	--	--

immediately 71:24 130:22
immensely 55:23
impact 60:6 127:20 188:24
impacted 84:14
impacts 29:24
impolite 201:13
importance 125:15 137:24
important 11:6 26:8 31:24
 32:4 33:20,22 38:5 126:7
 128:21 140:24 141:19
 159:25 160:8 178:15,24
 179:1 188:14
importantly 23:15
impossible 8:20 135:17
impressive 40:17
improvement 159:11
improving 109:14
inappropriate 131:20
inappropriately 131:17
incapacity 87:11
inception 55:19
include 114:9 122:4
included 31:18 69:15
including 11:14 20:11 57:10
 80:16 114:21
income 115:16
incompetent 15:1
inconsistent 98:10 175:14
increase 84:16
increased 189:17
increasingly 11:9,9
indefinitely 184:8
indicated 83:10 144:15
indigenous 26:13
individual 26:16 55:21
 126:14 138:18
individually 6:16 17:12
 34:10 73:11
Industries 136:5
infamous 133:15 135:8
infirm 11:9
infirmity 185:12
influence 27:17 63:7
influenced 26:17 30:22
 141:14,16
inform 83:18
information 25:18 42:6
 70:22 71:1 72:20 76:13
 80:8,9 115:9,14 138:11
 142:18 188:19
inhabited 161:1
inherently 26:11
inlays 28:15
inside 31:16 57:12 129:11
 171:13
insignificant 39:2,7
insisted 123:7
inspections 49:23
instance 24:22
Institute 20:12,13
insult 44:15,16 46:23
insulting 44:4,18
insurance 82:9,9
intact 57:9 58:10 135:10
 141:7
integrity 26:21,21 28:20
 29:19 30:12 31:1 32:7,16
 33:4,17,18 50:3,9,25 51:3
 51:11,23 53:10,22 54:17
 54:21 57:20 59:22 60:15
 60:17,22 61:6 63:9 64:21
 99:12 125:8,13 136:15
 137:14 139:15,16,21,22
 139:24 140:3 141:6
 151:18,23 152:4 153:3,8

154:5,8,12 155:2,4,6
 160:10 165:9 173:4 181:3
 181:10
intended 43:3 46:22 85:5
 156:21
intent 117:21 125:17
intentionally 106:9
intentions 92:12
interest 21:13 70:11 78:13
 82:1 106:22 107:16,16
 175:15 178:1
interested 16:22 22:3,7
 24:10 107:18
interesting 167:9 174:20
interests 15:4,14
interim 74:10
interior 27:15,25 30:10,24
 31:25 39:9,9 40:4,5,9 41:1
 41:12,17,25 45:13 56:13
 61:5,5,12,17,24 62:7,13
 62:15,21,22 63:7,18 64:2
 64:5,14 122:4,24 123:6,7
 123:14,15,17 124:7
 127:10 134:8,17 152:16
 160:17 161:25 172:2,4
 203:20
interiors 24:12 26:2 27:8
 28:16 31:18 41:22 56:10
 62:3 122:15,17 134:11
 138:8 203:15
Interior's 62:9
intermediate 200:14,16,24
interpret 24:3 46:19
interpretation 56:22 65:7
interpreted 66:8
interpretive 162:12
interrupt 157:24 158:4
 168:13
interrupting 157:23
intimated 197:22
intimately 121:3
introduce 6:7 15:6 18:20
 20:21 21:4 67:6 70:21
 74:20
introduces 67:10
introducing 18:23
introduction 19:10
invalid 52:10
inventions 27:7
inventor 27:7 29:3
inventory 120:5
investment 205:23
invitations 126:3
invited 108:10
involve 84:2
involved 45:25 54:19 143:7
 143:10 148:6 172:17
 174:5
ironworks 28:2
irrelevant 190:12
island 129:3 170:24,25
 171:3
issue 7:18 12:1 51:14 104:22
 108:13,14,16 174:3 185:4
 185:5 187:13 190:18
issued 49:22 183:13
issues 5:15 65:15 73:12
 85:16
item 3:8,9,23,23,24 7:15
 71:23 163:13 193:6
items 34:17 76:13 82:6
 174:22,22 204:20
iterate 116:4

J

Jan 5:25 140:6 159:21,22
 180:14 181:12 185:23
 186:23
jeopardize 35:22
jeopardy 196:9
Jim 52:17 95:1 182:3
job 53:3 95:12,13 198:1
John 191:15
Johnson 2:20 18:20 19:12
 19:24 20:23 21:4,9,19
 22:10,12,14 36:8,20 37:5
 38:24 40:14 41:10,20 42:6
 42:19 43:16 47:22 48:1,6
 48:8,13,16,19 49:5 50:5
 50:20 51:1,6,21 52:5,8,12
 52:15,18 53:7,15 54:13
 56:7,23 57:3,17 58:3,8,12
 59:2,12 60:7,18 61:10,20
 62:1 63:11,20 64:15 65:1
 119:4 121:23 129:12
 135:5 139:14
Johnson's 20:22 46:10 65:4
 125:12 152:1
JOHNSTON 2:10
joke 165:15
JONES 2:10
judge 99:19 157:24
judged 83:12
Judges 157:19 188:16
judging 82:22
judgment 50:12 56:5,8
judicial 119:15 157:18
 169:15
jump 155:11
jumping 74:2
jurisdiction 134:11
Justice 158:9
justifiable 151:8
justifiably 94:16,16
justification 45:18 147:14
justify 66:14 151:21

K

K 2:3 170:19
keen 12:12
keep 18:6,6 43:1 51:16
 79:19 105:23,24 112:8
 116:18 126:22 127:15,15
 129:16 130:2 132:2 139:9
 165:8 206:7,25
keeps 108:12
Kellogg 2:21 4:14 163:17,17
 165:1 168:16,24 169:8
 174:21 178:16 179:5,8
 187:6,14 188:2 191:2
 205:7
Kennedy 120:16
Kent 164:12
kept 126:24
kettle 179:25
key 26:22 27:21 28:9
kick 21:21
kind 25:7 31:8 32:21 36:17
 47:8 59:16,20 82:3 91:21
 95:5 100:15 111:8 123:2
 130:3 145:11 178:4 185:9
 194:19 207:6
kinds 42:25 70:7 110:3
kingdom 74:12
kitchens 129:25
knew 140:15
know 3:17 6:21 7:12 8:19,21
 12:10 17:14 22:21 25:25

33:19 36:11 37:16 38:16
 40:11 44:23 45:25 46:1
 47:6 48:2 50:7 53:13 54:3
 54:13,20 55:3,18,18 56:25
 59:12,23 60:14,19 62:3
 64:8,22 68:2,3 69:18 71:4
 73:9,14 81:12 88:8,10
 89:17 90:5 91:4,10,20
 93:21,21,23,25 94:8,14
 96:2,7,9 98:21 99:14
 101:17 109:19 112:19
 113:11,14 119:13,22
 121:3 123:3 128:24
 136:18 139:8,18 140:24
 142:11,13 144:14 148:11
 148:18,22 149:9,21
 151:12 153:19 157:12
 168:1 170:17 171:13
 172:17 174:4 177:2,9
 178:23 182:16,19 186:1
 187:15 188:20 192:13
 197:2 198:25 199:24
 201:12,20 202:3,10 203:7
 204:1,15 206:2
knowing 49:9 175:25
knowledge 14:15 21:17 49:9
 69:19 164:7 205:20
knowledgeable 204:4
known 58:20 97:16 119:5
 137:17 165:3 166:12
Kolins 2:3 4:10,12 5:4,6,12
 5:18,20,23 21:11,15,23
 22:18 33:24 34:4,10 44:13
 47:15,17 50:12 60:9,24,25
 66:13 67:9,17 68:1,22
 69:10,16 70:19 71:4,18
 72:22 73:5,24 74:19,23
 75:1,3,6,12,21 76:19
 78:16 79:7,14,16,20,22
 80:2,16,19 81:15 82:15
 83:2,10,17 84:7,19 86:13
 86:18,25 87:3,6,10 88:6,8
 90:9,16,19,22 95:25 96:1
 98:1 99:5,13 101:16
 102:17 104:6,10 105:20
 106:6 107:12,25 108:9
 110:8,12 111:11,12,18
 112:1,6,9,19 113:11
 114:22,23 115:4,7,25
 116:7,14,21,24 117:16
 118:7 142:24 143:12,16
 143:18,23 144:4,11,19,22
 145:7,19,25 146:2,7,11,20
 146:25 147:4,13,19 148:9
 148:11,14,25 149:6,8,17
 149:21 150:6,9,12,20
 151:2,6,17 152:8,14,20,24
 153:6,15,18 154:21 155:9
 155:12,25 156:2,19
 157:20 158:7,13,25 159:6
 159:9,18 167:8,21 168:12
 169:7,10,13,25 170:9,11
 170:15 175:6,13,24
 176:11,12,15,18 177:1,15
 177:23 186:11 187:5,12
 188:12 189:13,20 190:14
 190:21 191:1,6,23 192:16
 192:22 194:25 195:11,16
 196:14 198:2 199:4
 205:18 206:22

L

lack 46:16 82:11
Ladies 5:21

Lake 136:10 land 14:11 16:17,23 35:20 87:25 88:2,21,25 90:17 93:17,18,20 94:5 96:10 97:20 100:23 101:2,24 102:16 104:25 105:9 106:17 107:15 115:17 171:22 183:24,25 184:5 185:16 186:16 landmark 9:14 16:20 18:2,4 20:25 26:24 33:1 35:22 36:6 40:6 41:15 45:12 71:25 77:8 82:24 97:12,13 97:23 110:8 124:22,23 125:2,10 130:20 134:9 138:17 145:3 147:12 148:8,23 149:13 152:23 152:25 153:7 154:25 159:10,13,15 160:17 164:6 165:3 167:12 176:10 193:22 194:15 195:5 201:25 202:15 206:1 landmarkable 146:20,22,24 147:2,7,16,24 148:4 190:16 landmarked 12:2 16:25 18:6,7,14 42:8 96:15 102:9 145:15 146:13,19 147:14 148:19 149:3 151:9,14 152:10 153:23 154:12 164:8 172:21,23 172:25 173:17 174:25 178:19 179:3 181:11 190:2,3,13 198:19 204:8 204:11 206:4 landmarking 18:14,17 46:13 53:14 144:17,20 148:15 151:15 167:15 173:18 184:2,2 187:7,20 187:25 188:2,21,23 189:3 189:5,17 191:13,17,24 landmarks 101:12 120:6 122:10,17 199:6 Landmark's 1:4 149:25 152:11 174:1 188:6 194:6 landscaped 166:16 landscapes 19:20 large 3:6 27:12 57:8 63:13 65:19 166:23 larger 105:8 129:14 largest 55:24 late 130:17 173:18 latitude 74:20 83:11 157:21 157:22 160:22 Lauana 165:23 Lauanaker 165:24 167:2 laugh 18:4 laundry 71:22 Law 5:24 205:15 lawfully 152:25 153:4,9 154:7,15 lawsuit 9:18,20,23,23 15:3 15:11 167:11 187:22 188:22 191:12 lawyer 68:2 95:22 157:25 layer 201:18 layout 12:23 layperson 45:7 181:4 leading 55:13 129:8 leads 91:16 learn 191:17 leave 57:9 195:11 leaves 108:19 leaving 128:16 175:22	lecture 126:17 lecturing 119:9 led 72:18 leeway 122:16 161:4 165:6 left 95:19 106:3 135:10 182:4 196:6 197:9 legacy 29:6 legal 8:3 174:5 legitimate 102:12 lenient 130:3 Lennon 191:15 lent 98:23 Leonard 2:21 80:22 81:9,14 81:16,21,21 82:15 83:15 83:22 84:11,22,25 85:4,10 85:15,20,22 86:3,11,17,24 87:2,5,8,13,19,23 88:5,11 88:22 89:6 90:13,15,21 95:19 96:3,20 97:22 99:4 100:25 101:4,6,9 102:20 103:3,5,14,20,25 104:13 104:15 105:3,10 106:5 182:8 lessened 160:14 lesser 58:2,6 lesson 203:6,13 letter 193:20 let's 44:20 50:20 79:19 93:8 93:12 99:14 108:23 112:8 113:1 114:4,5 140:18 151:2,2 165:17 level 13:6 81:25 83:13 133:22 200:24 202:12 levying 197:18 liaison 20:10 library 13:13 55:14 lien 110:11,18,22,23 111:2 184:17 194:17 liens 198:13 lies 102:14 190:9 life 11:22 171:6 lifestyle 56:1 lifestyles 65:11 lifetime 191:25 light 23:4 28:5 43:25 45:7,9 180:12 lightly 6:22 9:1 lights 23:8 likelihood 8:17,21 limitations 71:12 limited 68:5 92:5 154:8 LINDSAY 2:7 line 24:13 33:18 206:25 lines 50:10 LIPOFF 2:3 liquidates 167:23 list 12:6 71:22 125:24 176:19,23,25 177:7 listed 104:16 listen 185:19 listened 152:6 listening 45:6 167:9 Listing 171:1 listings 115:13 litany 152:21 literally 181:17 litigate 112:4 litigation 110:15 112:2 117:7 little 5:5 9:7 10:4 14:15 22:17 25:16 31:12 35:25 43:23 116:25 121:20 124:14 127:12 130:1 161:4 164:4 171:21 176:4 182:9 193:14 203:3	206:22 live 121:2,4 122:14 137:11 163:18,18 166:11 185:24 lived 9:11 10:2 41:9 133:2 133:13,20 155:20 171:3 lives 164:2 living 12:17 41:5 129:24 130:9 133:18 166:23 loafers 137:9 loan 84:17,18 87:17,22 90:14,16 96:7,14,18 loans 82:17,19 83:19,19,22 84:8 90:20 98:6,24 local 26:9,24 location 25:20 loggia 24:17,24 27:24 31:10 32:14 35:5 63:12 129:11 loggias 129:24 long 10:3 19:5 40:11 53:12 134:23 136:12 150:7 170:24,25 171:3 176:19 177:24 184:20 185:25 195:19,21 197:5 longer 13:3 26:23 27:4,6,19 28:18 29:15 30:3,23 32:24 41:23 42:15,19 43:5 46:12 50:22 55:4 57:18 62:16 64:9 120:14 134:10 145:5 151:15 152:3 176:25 203:4,18 207:23 longstanding 19:21 look 7:1 17:18,21 23:4 24:12 29:8 31:6 32:10,19 37:15 39:12,13 60:11,20 73:12 82:25 84:12 88:6,24 91:5 92:6 110:2 117:17 122:10 124:5,6 128:4 132:24 136:19 137:1,9,12 138:5 138:10 141:17 145:2 160:25 161:8,17 174:11 186:25 191:22 203:3 looked 24:5 37:7 119:21 120:2,25 121:9 125:3 128:8 130:14,19 131:7 132:9 134:12,21 160:23 looking 38:6 54:14 99:21 107:1 123:7 128:21 136:4 138:13 142:1,13 192:20 200:7,21 206:13,17 looks 28:10 161:13 lose 51:10 153:7 155:1,22 159:13 201:24 202:21 loses 47:11 50:25 159:15 losing 11:9 167:16,17 206:10 loss 109:19 127:3 losses 107:19 108:16 184:9 lost 26:20 27:14,17 28:19 30:23 31:1,5 32:14 36:21 43:19 50:3,9 51:2,23 54:17,21 57:20 60:14,17 106:21,22 134:3 136:14 140:3 152:5 201:10 lot 3:18 36:9,21 45:8 66:11 78:24 85:15 87:4 89:4,6,7 111:6 121:10 122:16 124:18 128:7 131:24 140:13 159:19 166:12 167:9 168:13 171:12 172:11 180:3,14 Louise 165:24 love 93:16 119:11 loved 127:16 136:12 lovely 165:3 206:15 lower 23:8 133:22	lucky 122:8 lunch 112:25 118:1,3,10 139:9 163:14 170:18 174:14 175:17,18 luxury 27:17 54:18 M MAASS 2:7 magnitude 112:15 153:1 154:4 main 30:16 57:12 127:13 130:4 maintain 29:19 152:18 maintained 10:9 110:4 131:14 maintenance 96:17 97:18 major 42:8 104:18 187:12 making 35:3 Malfitano 2:22 5:25 6:4,6 14:11,24 15:16 177:18 185:19,23,23 Malfitano's 16:1 mallet 158:11 man 15:2 19:7,8 manager 81:9,22 mansion 101:13 mansions 136:9 mantels 135:4 manufacture 136:6 market 71:23 84:15 85:17 102:5 103:10 marketplace 200:11 married 166:19 Marter 132:1 Mar-A-Lago 52:21,21 mason 29:3 masonry 27:25 mass 38:21 masses 28:23,25 35:1 41:3 massive 206:9 master 26:15 28:23 37:9,22 39:15 120:7 141:13 material 32:15,21 74:22 115:3 118:17 123:9 134:23 materials 24:5 26:14 27:8 30:7 31:5,7 68:19 113:23 114:21 118:12 124:6 132:3 136:7 148:12,16 matter 5:11 8:13 11:7,22 18:21 46:17,18 68:11,19 77:16 91:1,2,3,5 93:2 94:15 98:24 100:17 102:13 108:13 111:7,17 112:4,11 116:5 124:21 175:17,19 183:22 195:24 196:1 matters 7:22 11:15 68:15,17 68:21 69:20 Mayor 194:9 ma'am 99:6 189:13 mean 7:21 8:6 41:1 44:17 45:8 54:12 59:9 70:20 73:20 82:22 85:3 89:15 91:6 92:23 93:4 100:8,17 103:4 109:2,23 147:25 165:15 168:4 198:9,18,24 meaning 53:21 63:24 156:9 181:1,20 meaningless 157:5,6 means 125:16 134:25 147:21 158:20 181:3 measure 65:20 media 130:9 135:13
--	---	--	--

medicine 163:24 Mediterranean 12:24 24:3 27:9,20 140:21 160:19 161:5 162:16 meet 18:14,16 41:17 48:22 55:25 83:24 105:13 124:11 125:11 145:12 162:2 207:1,3 meeting 1:4 3:4 5:3 143:4 164:11 166:6,10 176:10 meetings 4:17 meets 32:24 35:12 137:13,15 138:6 member 13:9 19:25 20:4 33:8 36:6 62:1 158:2 170:1 185:12 207:15 members 5:22 8:9,9 22:13 119:1 men 140:15 mental 11:10 mention 24:2 173:7 mentioned 77:17 159:23 162:10 166:23 196:14 menu 173:19 merely 180:18 merit 70:8 mess 108:23 186:10 messenger 12:10 met 4:10,12,14 132:1 144:25 145:13 146:23 method 26:13 31:4 168:19 methods 201:15 Mexico 20:19 Miami 20:5 Miami-Dade 20:3 microphone 81:19 middle 36:17,25 82:1 124:4 129:6 130:16 132:21 207:9 miffed 199:18 million 13:20 80:3,3,19 89:23 91:13,15 103:6,8 104:8,19,25 105:1,6,10,13 105:19,21 106:2,10,11,15 106:15,19,24 108:1,4,11 110:25 112:13 168:9,11 168:25 182:13,13,15,18 182:23,24 183:5,9 196:13 205:9 millions 93:4,4 183:16 mimic 77:6 mind 7:2,16 45:9 60:10 96:5 98:23 139:24 187:1 193:13 mine 166:15 minimum 196:6 minority 11:4 minute 3:11,20 54:4 76:8 79:10 98:5 113:1,2 116:19 125:20 153:12 174:14 185:19,21 minutes 156:17 164:10 178:4 miracles 183:20 misdeeds 186:22 misjudged 99:25 misjudgements 95:6,8 misled 106:8 missed 121:23 mistake 201:7 mistakes 95:14 186:22 201:3 misunderstand 183:6 mixing 39:16 Mizner 23:17,21 24:4,18	26:22 27:7,7,21 28:10,12 28:16,19,23,25 29:2,10,15 31:8,17 32:16 34:22 35:9 35:14,15 37:18 38:11 39:3 39:10,14,15,24 40:17 41:1 41:6,8,9,10,23 42:2,16,21 43:19 47:7 50:22 54:22 57:22 62:18 63:16,25 64:11 93:11 119:23 120:4 120:11,14,23 121:6,11,17 121:21 125:7 126:8,16 133:14 135:23 136:4,5,5 137:16,18 141:4,15,21 142:12,14 144:16 145:1 145:12,14 146:11,18 147:6,15 148:14,25 160:24 161:6 165:9,17 171:2 172:18 173:4 Mizner's 23:19 24:15 28:22 29:23 30:21 34:21 35:16 39:5 62:16 120:25 137:5 model 24:22 modern 161:12 modern-day 41:17 modification 18:10 modified 55:10 modify 154:21 moment 15:10 21:5 33:20 34:3 47:13 48:9 80:11 138:3 157:15 177:19 185:20 moments 177:17 Monday 173:25 monetary 102:15 money 11:2 13:20 15:24 17:23 66:5 77:23 78:3,5,6 78:6,7,12,19,22 81:2,3 83:20 84:4 86:16,20 87:4 89:16,19 91:3,8 93:5,20 94:6 96:22 98:15,23 99:8 99:10,16 100:10,19,20 101:16 102:1 103:18 105:8,23 106:21,22 107:7 108:18 109:21 111:8 112:3 123:4 168:4 169:2 182:4,23,25 183:2,14 184:16,18 185:4,4,5,6,13 195:1 Montgomery's 177:4 month 69:3,23 71:16 73:18 80:25 196:2 monthly 80:24 82:1 months 15:20 52:24 53:5 monumental 10:15 monuments 28:1 33:3 Moore 2:17 3:13,16 21:6,7 34:3,12 36:19 42:10 51:12 51:22 52:6,9,13 60:25 61:11,21 62:24 63:17 64:12,22 67:9 69:5,17 70:11 71:4 72:25 73:20,20 73:23 74:14 75:5,8 79:13 81:18 83:7 87:14,16,21,24 88:6,9,19 89:2,7,18 96:6 103:13,15 104:1,8,14,20 105:5,16,25 107:9 108:10 111:10 114:2 116:4,10 138:15 144:7 145:20 146:6 157:15 158:10 164:25 169:9,18 174:18 175:6 176:17 177:13 184:13 188:15 190:19,21 192:3,13,21 195:23 197:4 197:5,7,11,21 202:13 203:8	morning 5:21 22:12,17 143:22 165:6 168:11,25 195:13 mortgage 86:9 103:5,12 104:9 105:1,6,11,14,17 108:1 183:8 mother 140:1 motion 113:3,3,8,15,18,20 113:25 114:1,5,15,20 117:22 118:15,18,19 207:19 208:1,4 motions 113:23 motor 55:16 mouth 63:19 70:21 move 42:2 75:10 79:20 114:8 115:2 118:16 155:9 156:14 207:19 moved 13:5 113:6 movie 131:21 movies 126:1,1,4 166:22 moving 25:14 51:17 118:23 multi-millions 14:2 municipalities 122:21 Munn 9:9,10,11,21 10:2 57:15 58:10 60:5,6 124:1 125:22,23 126:12 127:4 128:18,18,19 133:2 137:7 137:17 140:9 160:2 164:20 166:19 167:14 168:17 170:21 171:21,25 178:17,18,22 188:1,9,17 189:23 190:15 191:11,23 206:12 Munns 5:2 9:15 Munn's 126:3 131:18 163:23 171:8 187:19 190:12 museum 55:21 museums 122:12 181:13 mystery 137:10	needs 56:1 70:17 78:25 83:11 92:1 104:21,23 108:3 113:19 139:11 141:8 159:14 198:19 negatively 140:14 neglect 85:19 111:16 192:25 193:2,7,19 198:13 207:14 negligence 196:11 negligent 194:11 negotiated 138:19 neighborhood 184:11 Neighborhoods 204:22 neighbors 92:22 184:11 neither 54:25 Nelson 206:16 never 8:19,19 11:15 47:23 66:5 84:25 90:3 125:9 131:5 156:25 172:20 187:17 202:15 nevertheless 7:1 11:23 new 12:14 13:11,11,13 29:1 29:25 30:2,5,6,13,18,19 30:19 31:2,3,8,9 32:5 41:25 42:23 43:4 63:14 125:24 127:19 132:7 134:2 135:7 142:1 167:15 204:12 newly 19:14 31:2 nice 18:12 94:3,6,10,13 101:25 night 126:3 163:24 nine 15:20 191:13 nineteen 106:10,10 126:10 126:10 ninety-five 120:15 noble 26:15 nodding 73:21 74:15,16 nominated 125:5 non-compatible 28:20 29:2 non-contributing 55:7 non-surviving 162:11 normal 86:18 normally 11:15 40:19 72:13 87:1 119:16 128:3 north 2:2 3:9,24,25 6:3 31:12 35:24 57:1,9,21 76:6 115:8,16 120:15,24 128:12 130:13 131:4 132:25 136:2 142:2 163:21,25 179:12 206:13 207:20 north-side 13:6 Notary 1:19 3:5 note 178:16 noted 21:22 34:18,25 35:7 notes 119:22 notice 24:16,25 25:3 31:16 39:15 41:21 193:16,19 194:4 noticed 58:18 notifies 193:25 notify 193:12 194:8 notwithstanding 7:4 57:11 77:9 101:20 146:12,13 149:2 nuances 23:25 number 7:12 15:9 45:5 49:22 106:23 119:6 139:19 141:10 148:19 171:9 176:22 187:18,18 197:15 205:9 numbers 163:25 168:7,24 numerous 27:6
---	---	---	---

O O 3:2 oath 169:14 object 21:15 73:22 143:1,23 168:14,15 175:7 191:24 objected 9:16 83:8 116:11 143:1 187:24 188:1 objection 21:22 69:23 70:13 70:14,25 73:18 74:17,21 116:5,9 143:25 167:18 objectionable 61:25 63:8 objections 70:1,7 objects 116:13 obligated 97:17 obligation 98:7,11,12 138:9 obligations 7:5 155:21 observation 37:6 48:9 50:8 obvious 48:11 198:8 obviously 92:23 96:17 occupants 127:16 occupy 63:23 occur 155:21 196:25 201:19 occurred 61:22 63:7 84:24 111:21 155:24 occurring 193:7 ocean 13:2 39:20 42:17 52:16 58:14 94:4 120:15 120:17 121:13 129:2 134:21 164:3 206:9 offensive 166:4 offer 21:25 22:8 174:13 175:11 offered 21:15 44:21 104:18 115:5 121:19 169:22 190:24,25 offers 19:17 office 1:20 67:23 officer 87:17 okay 3:19 5:20 13:8 36:20 48:18 52:19 54:23,24 56:23 60:8 69:25 70:5 71:11 74:22 75:2,13 80:6 90:22 92:13 93:8 94:24 98:9 99:5 100:1 105:5 108:20 110:12,13,22 111:3 112:21,21 114:4 115:6 116:14 117:4,14 118:8,11,19 144:22 145:7 146:4 149:8,11 151:17 153:6 154:21 155:12 156:4,12 157:13 159:9,18 159:20,21 160:15 162:14 163:5 170:15 174:13 176:7,14 177:10,21,22 189:20 192:1,11 old 24:2,14 27:16,25 30:20 30:20 120:6 121:4 126:4 127:22 136:4,6,9 166:7 173:8 once 36:2 41:12 46:9 73:15 91:17 119:8 169:1 172:16 188:9 ones 171:16 201:24 one-page 115:10 117:1 ongoing 13:14 open 7:2 133:8 172:16 192:4 195:11 opened 13:6 openings 29:12 32:15 62:19 operate 64:1 87:1 operating 82:4 opinion 38:20 51:11 53:24 57:14 61:22 63:5 145:8 146:2 150:25 151:3,4	155:7 170:2 191:2 196:10 opinions 145:22 opportunity 5:14 19:18 39:17,18 108:6 195:5 opposed 44:11 54:11 114:19 118:22 160:20 188:20 189:18 190:2 208:7 option 86:11 111:11 195:14 195:15 options 184:7 195:19 200:7 202:10 order 12:25 14:23 91:1 109:22 124:12 153:6 orderly 74:1 ordinance 31:24 59:15 61:7 61:8,12 62:4 63:2 64:16 64:24,25 65:2 70:15,24 73:4 110:9 121:25 122:2,5 124:10,25 134:8 138:7,9 144:24 145:2 148:13 150:16 151:13 162:10 192:24 193:1,4 197:15 ordinances 26:1 64:13 organization 89:13 original 4:18,19 12:8 27:1 28:8 29:13,13 30:4,14,16 31:22 32:14,14,24 37:9,12 37:21 40:12 42:20 49:9 63:16 84:21 87:17 122:5 124:20 125:19 128:16 129:19 132:2,6,25 140:7 141:21 142:10 161:11,18 171:10 172:11 203:16,17 203:18 207:22 originally 9:13 27:3 28:18 42:15 43:3 58:24 87:22 114:7 122:2 129:9 133:1 141:20 ought 178:12 outraged 203:9 outset 66:13 76:24 78:2 95:15 outside 121:1 outstanding 103:7 171:24 183:1 overall 84:15 overly 198:7 overruns 13:25 overview 194:20 owed 81:1 86:16,20 93:25 103:1 105:23,24 106:16 owned 9:10 13:8 177:3 owner 4:25 5:25 27:14 41:16 66:24 124:23 136:21 173:24 193:12,24,25 194:5 196:16,16 204:12 205:19 206:20 owners 3:25 82:17 105:22 110:10 121:14 123:24 192:18 197:11 204:17 ownership 204:10,13 P P 3:2 7:19 package 62:17 64:7,10 packet 70:22 page 205:18 paid 13:21 80:3 89:23 98:18 106:12 painter 29:3 pair 60:1 Palm 1:10,20 2:5,6,8,9,11 6:14,20 8:7 9:14 27:5,10 35:17 55:23 81:10 94:13	101:23 119:21 120:12 121:1,24 122:11,13,18 124:10,16 125:16,23 126:4,8 133:24 134:10 136:6,25 137:4,10 138:25 145:8 153:23 161:15 163:18 164:13,24 170:20 172:10 Panama 58:25 Pandula 2:15 3:8,15,19,22 4:8 5:3,16,19 21:5 22:11 34:9,14 37:3 43:21 47:15 47:17,19,23 48:2,7,12,14 48:18,21 49:12 50:10,23 51:4 54:1,23 56:18,24 57:4 58:2,6,9,17,23 59:3 59:25 60:8 65:3 70:12 74:22 75:2,10 79:19,21 80:1 82:21 83:7 84:20,23 85:3 87:14 89:8,21 90:24 95:5 104:1 112:8,17,24 113:8,11,16,21 114:4,13 114:15,19,25 115:20 116:17,23 117:14,20 118:4,8,19,22 119:1 122:12 139:1,4 144:1,6,9 148:2 153:12 155:10,13 156:1 158:11 159:20 160:15 161:23 162:14,19 163:5,13 168:21 169:5 170:16 173:21 174:7,12 174:19 176:7,9,14 177:10 177:14,22 185:21 187:2 190:11,20 191:8 192:1,11 198:23 199:22 202:2,18 204:7,16 207:4 208:1,4,7 paper 37:8 165:20 199:2 papers 126:2 parallel 59:8 parceled 106:3 pardon 13:1 part 4:18 13:15 22:3 37:16 62:7,20 71:14 72:22 91:15 101:2 113:4,9 114:6,16 121:10 134:3,4 137:23 140:13 142:17,22 145:17 158:14 199:25 207:25 partial 16:15 71:20 73:2 75:15,17,18 77:11 partially 88:1 105:18 participant 19:21 participate 79:25 197:1 particular 6:24 7:17 8:1 63:10 120:23 122:15 125:8 140:9 145:10 162:7 171:15 175:19,21 189:24 195:9 particularly 27:22 34:21 40:16 43:25 127:19 198:16 204:7,24 205:18 parties 10:21 15:5 27:14 117:8 125:25 180:10 partners 16:7 199:1,10,21 partnership 6:2 10:19,19,20 11:4,5,23 15:13,15 party 10:21,22,23 179:18,22 pass 4:2 76:4 80:7 115:25 116:2,3,15,17 117:2,14 201:18 passed 9:21 113:24 122:2 passing 9:12,22 Paul 73:15 pawns 199:8 pay 81:2 93:5,24 182:21,22 183:5,14 195:6	pays 167:23 people 3:18 6:6 38:1 46:20 55:25 86:8 91:13 98:8 100:18 112:24 122:13,1 127:17 134:24 136:23 140:1,14 142:4 162:25 175:2 178:7 181:2 184:3,4 185:1,3,9 188:7,25 189:2 191:14 192:9 people's 138:18 perceived 6:15 165:14 percent 90:1 93:21,22 202:14 perceptions 160:4 perfect 59:18 79:3,4 192:15 performed 83:23 period 26:12 27:12 31:1 35:16 37:25 68:20 171:7 172:14 periods 162:8 permanent 85:1 permission 20:20 67:6 133:6 190:8 permissions 38:19 permit 49:21 51:14 52:2 195:3,7,11 permitted 52:7 67:17 112:22 192:8 person 89:16 145:4 147:1 178:22 personal 11:14 100:8 119:16 188:9 personally 17:15 90:6,7 persons 26:8 163:14 192:6 perspective 12:7 160:5,8 176:5 178:4 184:21 perspectives 178:12 persuasive 73:8 perused 23:12 petareds 95:11 petition 17:8 philosophical 50:15 54:3 65:5,6,22 66:2,4 philosophically 138:4 161:15 philosophy 44:11 161:10 Phipps 126:20 171:10 Phone 1:20 phonetic 58:21 120:13 132:2 164:12 165:23,25 166:20 167:1 photograph 128:9 140:9 206:11 photographs 4:15 128:23 phrase 181:2,9 physical 50:16 137:19 physically 14:16 57:6 65:8 pick 176:10 picks 125:12 picture 23:7 24:17 32:23 128:25 pictures 141:1 piece 24:9 37:7 52:20 53:5,9 77:5 94:11 101:22 104:9 171:24 pieces 35:19 55:21 place 13:19 22:5 43:7 54:24 59:22 85:7 92:19 112:14 130:8,9 155:19 161:9 178:20 179:3 199:20 207:6 placed 164:19 169:21 placement 160:11 places 37:14 59:23 plain 63:1 171:25
--	---	---	---

plainest 171:16 plaintiff's 12:25 plan 46:22 97:24 118:8 121:17 140:13 planned 100:1 planning 150:3 173:8 plans 51:19 52:2,7 88:17,23 123:14 131:2 planting 173:9 plants 166:17 plasterer 29:4 plate 132:6 134:19,20 play 66:5 137:11 200:11 played 44:24 plays 6:13 Plaza 2:7 please 21:5 23:10 46:19 82:15,18 100:15 115:1 116:17 183:6 206:7 pleasure 21:3 plumbing 10:8 Poinciana 2:7 point 6:9 9:17 14:13 23:1,5 35:8,13,24 36:3,18 38:15 42:5 46:10 53:8 54:12 59:25 67:18 68:2 69:12 70:14 74:17 77:2 82:6 86:21 94:17 98:16,21 100:11 105:25 107:12 117:25 121:23 131:23 133:18 140:5,5,8 153:21 154:23 155:24 156:3,4,6,7 157:1 164:4 168:12,23 172:5,6 174:20 177:5 178:1 189:3 190:11 192:16 196:21 200:9 202:8 203:13 pointed 45:11,13,19 47:5 138:16 139:11 140:7 141:18 pointing 46:20 points 35:21 139:7 176:21 political 8:5,12 26:5 politically 8:6 pool 55:14 133:21 pools 166:14 poor 12:23 148:22 portion 69:7,8 70:23 97:8 131:19 140:11 196:21 portions 162:11 position 33:4 38:8,11,12,14 38:22 39:5 41:14 45:20 66:3,4 67:23 68:16 77:14 77:15 94:18 111:5,20 130:14 156:22 174:8 196:20 200:20 203:22 positioned 59:7 positions 186:3 possession 204:14 possibility 89:5 possible 16:8 159:16 possibly 104:24 182:17 post 194:3 posted 193:22 postmark 193:21 potential 205:9 power 23:1 practical 102:12 108:20 110:1 111:7 183:22 184:19 practicality 184:20 practice 148:22 158:24 practicing 44:11 precedence 125:10 precedent 7:19 8:3,4,5,12	95:17 138:14 202:5 precisely 93:22 predicament 90:8 predicate 51:17 66:11 predicated 51:24 61:23 predicted 47:12 prefer 158:10 preference 117:25 preliminary 5:12 193:13 premature 86:3 premises 175:22 prepare 71:11 prepared 21:2 82:5 present 2:18 6:12 7:3 22:24 50:21 60:15 63:5 70:3 73:7 74:2 181:17 194:4 presenting 5:7 11:13 21:12 22:20,25 23:1 34:11 46:10 49:20 51:24 53:19 61:4 83:14 118:9,24 123:12 134:3,5 139:6,13 142:22 144:3 145:18 168:6 178:21 presented 30:18 32:4,5 62:5 66:23 70:17 73:7 89:12,19 133:23 135:25 143:21 163:3 168:7 207:24 presenters 163:1 presenting 23:2 90:4 168:18 169:11 presently 17:2 preservation 1:4 18:22 19:22 20:2,3,9,11,12,13 20:16 22:22 25:25 26:3 29:16 33:9 40:24 42:23 56:11,16 65:9,23 119:7,20 121:24 127:2,22 131:4 136:25 149:14 164:21 176:10 189:15 preservationalist 54:15 56:9 preservationist 33:2 204:4 preservationists 26:8 preserve 7:5 29:21,21 40:1 206:18 preserved 99:22 164:8 preserving 29:17 37:13 41:9 41:13,14 President 20:2 presumably 46:6 94:3,5 184:6 pretend 136:8 pretty 26:1 66:1 107:23 108:12 166:10 167:9 prevent 181:16 prevents 184:4 previous 65:20 76:12 115:12 previously 16:23 151:9 price 72:5 80:15,17 104:14 104:16 198:20 205:10 pride 123:22 primarily 125:13 prime 112:20 principal 68:13 prior 61:8 71:24 132:12 private 81:10,23 100:8 126:14 167:16 179:8 187:23 188:24 189:6 199:8 privilege 111:1 probably 4:22 31:9 32:20 38:16 45:22 48:17,20 52:20 67:24 82:7 95:6 136:11 141:2 152:6 171:16 175:6 180:4,6 200:15,15	problem 14:7,8,19 15:21 45:20 52:23,23 74:10 91:15 98:14 problems 73:25 131:9,25 procedural 175:25 procedure 150:18 procedures 184:14,15 proceed 81:5 158:10 proceeding 196:2 process 5:5 10:16 23:11 49:15 55:1 70:3 74:1 78:22 79:23 102:21 112:11 123:22 124:5,8 127:6 128:3 130:22 132:21 138:5,22 156:8 158:15 172:4,13 180:13 188:8 processing 50:17 product 49:15 127:24 professional 61:22 63:5 119:5 professionally 25:6 Professor 18:20 19:13,24 20:21,23 21:4,9,19 22:10 22:15 33:25 34:16 46:10 47:20,21 51:15 52:15 61:2 61:3 62:25 129:12 139:13 profit 168:25 program 33:11 55:22 65:9 65:19 121:24 122:22 programs 20:11 122:20 progressed 201:5 prohibit 59:16 prohibits 184:3 project 11:1 23:2 43:15 46:18 47:24 48:15 50:2,13 50:24 54:6,19 55:2 57:9 63:2 66:10 84:23,25 85:2 86:19 89:14,25 90:3 91:20 96:23 101:12 123:2,5,11 123:12,18,20 132:20 136:18 143:9,11 148:1 155:16,21,23 162:15,22 169:1 199:5 200:5,6 201:3 201:9 202:8,11 projector 131:21 projects 8:8 33:11 51:5 129:21 136:17 162:24,25 prominent 160:7 proper 67:16 199:20 properly 6:17 properties 17:17 38:4 40:6 55:21,25 57:4,25 120:8,11 120:23,25 121:11,21 122:13 124:14 125:4 126:23 127:11 160:25 176:22,24 188:24 189:18 200:7 202:15 property 6:1,24 7:11 8:2,23 9:5,7,19,24 10:18 11:21 12:2 13:19 16:16,25 17:1 17:19,20 20:24 23:6,13 25:20 26:20 30:8 32:24 37:12,13 38:12,13,16,20 39:13,25 40:16 41:14,15 42:8,9 52:16,20,25 53:5,9 55:2 56:17 57:6,14,17,18 57:21 58:1,15 66:15,23 71:2 71:3,24 73:10 76:16,17 77:5 78:4 80:2 80:11,20,24 82:11,12,14 82:17,20 84:6 85:5,6,12 85:25 86:2 87:22 88:15,16 89:1 90:14 93:17 94:2,11 95:2 96:7,14,25 97:1,3,4	97:11,25 98:6,24 101:20 101:23 103:6,12 104:9,11 104:13 105:4,11,17,22 106:11,18 107:17,17,21 108:2,8 109:2,7 110:9,11 111:3 120:23 121:3,14,15 123:8,24 124:12,23 125:2 126:9,14 127:4,8 128:14 128:22 129:4,8,9 132:19 133:3 138:2,10,21,22 147:14 150:17 152:10 161:3 162:2,6,12 163:10 164:15,18,19 165:7 166:13 167:16,17,19 174:25 179:8,14 183:7,10 183:23 187:9,11,24 189:7 193:22 194:3,10,17,23,24 195:7,17 198:18 203:7 205:3,5,20,21 206:2,3,17 207:7 property's 162:3 proposed 191:13 proposing 173:6 protect 108:7 200:21 Protecting 204:21 proud 91:25 121:25 prove 66:24 proven 10:15 provide 18:24 69:4 83:24 85:1 117:11 provided 78:8 188:18 proving 78:23 proximity 137:22 public 1:19 3:5 5:14 117:24 118:4,10 129:23 134:16 163:15 169:9,12,20 170:13 174:13 175:12 189:9 190:22,23 193:6 194:1,3 publicized 199:2 publicly 100:10 public's 170:2 published 128:25 pulled 136:20 punitive 95:13 purchase 16:24 80:15,16 88:14 100:22 purchased 10:18 purchases 108:5 purely 87:24,25 88:20 purgative 79:16 purpose 41:5 88:11 186:17 purposes 68:25 162:12 pursuant 157:3 207:23 pursue 110:15 pushing 202:13 put 7:23 11:2 12:7 15:16 21:12 40:10 46:25 53:2 63:19 65:7 70:20 76:5 80:5 84:7,9 89:24 95:19 98:2,4 107:20 108:18 109:15 110:18,22,23 113:13,20 119:13 134:2 135:17 142:1,3 143:18,19 158:14 161:12 166:9 173:9 176:4 178:4,7 181:6 182:14 183:15 184:1,16 184:17 187:12 191:6 194:16 203:2 puts 200:20 putting 110:4 111:2 120:21 PYMS 2:14 42:5,11 118:18 163:6,12 207:5 P.A 2:7,10 p.m 1:11
--	---	---	--

Q qualify 148:15 181:20 qualities 28:21 quality 20:25 77:8 quarrel 199:20 quarreling 94:19 quarter 65:16 quasi 119:15 157:17 169:15 QUENTEL 2:4 question 5:13 18:5 36:10 42:5 45:2 46:14,14 49:12 49:13 51:13 52:14 53:4 55:17 60:10 61:1 62:24 63:1 64:22 66:8,9 67:11 67:15 75:3 83:16 84:20 85:20 86:6 87:15 88:3,20 89:3,3,8 90:11 96:12,19 96:20 97:8,20 99:5,7,20 100:2,3,6,19,24 101:10,17 102:11,14,24 104:2,11 106:1 107:11 115:20 139:2 144:4,23 147:18 153:13,21,22 154:10,22 154:23 155:5,14 156:15 157:23 159:9 160:16 163:6 169:7 174:19 175:25 187:15 190:22 192:12 197:5 questioned 53:5 123:21 169:16 199:13 questioning 43:14,16 50:12 52:11 questions 34:5,8,15 47:20 51:16 87:16 100:22 144:9 144:12 146:5 149:11 156:4 157:13 158:8 159:21 174:16,18 176:3 176:13,17 182:8 187:3 192:5,9 quibble 138:3 180:17,19 quick 144:23 158:7 quickly 14:9 88:13 183:25 quite 10:2 22:19 24:13 34:23 54:1 120:20 161:5 164:14 167:13 172:3,22 206:13 quorum 79:15 quote 18:7 43:23 187:9	reality 78:25 91:1,3 102:10 109:24 179:21 181:24 185:6 186:24 195:19 realize 14:6 17:19 19:7 46:2 86:23 137:2 199:5 realized 45:24 91:11 really 6:18 14:15 16:16 22:22 23:16 24:5,13 29:14 34:22 40:1 41:8 45:2 46:9 46:11,25 54:2 64:3,4 72:6 79:9 89:25 90:24 91:15,19 91:21 93:17 99:9 121:20 123:5 124:5 128:8 130:21 132:14 134:11,23 137:20 155:12 166:17 171:23 172:20,23 173:10 179:16 188:7 199:19 206:13 reask 63:1 reason 42:13 99:9 123:13 168:2 186:6 190:15,16 195:3,25 203:19 reasonable 66:25 183:21 205:23 reasonably 183:25 reasons 7:8 17:5,8,13 68:13 71:7 95:4 99:23,23 131:6 189:2 194:4 195:23 rebate 40:7 rebut 112:20,22 156:18 194:5 recall 13:17 88:12 receiver 16:2 receivership 16:4 recess 3:11,13 recite 115:4 recognizable 31:20 recognize 32:8 53:18 recognized 26:17 166:3 recommend 202:15 204:23 recommendation 138:1 recommending 196:12 reconstruction 123:20 161:20 162:9 reconvene 3:22 176:9 record 8:1 15:6,8 19:10 20:21 21:14,20,21 44:14 47:24 54:14,18 56:12,14 63:21 66:1,17 67:6 70:14 75:23 76:4,18 79:13 81:20 83:8 113:5,10,13,14,20 114:6,17,24 116:2,6,10 117:6 118:17 119:12,14 121:19 123:20 125:3 143:18,19,25 167:8 169:21 170:12 178:16 193:12 207:25 records 97:10 recourse 194:21 recover 107:15,19 184:9 recovers 108:15 recreates 162:11 rectifying 193:17 recused 79:23 red 27:23 77:23 206:22 redevelopment 97:24 121:17 refer 9:8 16:5 56:9 62:8 169:23 205:1 reference 66:17 112:7 referenced 78:18 references 56:13 referred 205:7,8 referring 139:12,12 refers 9:9 reflect 143:25	reflects 26:4 refused 102:8 166:3 regard 56:6 81:6 201:8 204:13 regarding 81:24 regardless 17:23,24 60:16 77:12 134:15 178:1 181:22 regards 158:23 register 143:12 regret 44:15 regular 134:7,9 regulations 68:14 rehabilitation 124:1 128:14 135:25 138:20,23 161:20 161:24 162:1,5,15 reiterate 156:13 157:17 reiterating 12:9 relate 11:20 31:25 123:16 137:23 160:12 related 12:13 60:2 128:18 137:6 relates 96:21 123:8 133:3 relating 76:15 115:3 relation 76:17 relationship 35:1 160:1 relationships 30:8 relative 168:16 relatively 88:13 177:16 relatives 178:17 relevant 11:16 67:11 82:21 83:3,12 142:21 143:17 145:22 146:3 178:20 reliance 175:9 relocated 13:10 rely 37:11 190:14 relying 174:24 175:2 remain 29:6 58:10 remaining 31:17 35:19 196:21 remains 28:8 31:13 35:25 38:15 195:20 remarks 190:22 remedy 192:18 remember 25:16 58:12 121:12 124:18 128:21 167:12 reminded 72:9 remodeled 36:16 remolding 51:20 remote 8:19,20 removal 28:21 57:13,17 60:5 remove 57:25 74:17,21 removed 31:22,23 32:12 36:10,14 48:4 50:14 55:6 55:11 58:8 59:9 97:14 130:23 135:17 140:19 141:2 151:16 172:13 removing 162:7 render 65:8 rendering 28:6 renewal 82:9 renovate 12:1 41:16 51:5 80:5 renovated 49:19 renovation 52:3 82:24 renovations 36:8 57:8 reoccurring 193:9 repair 10:7 126:21 194:15 repeat 83:15 103:20 rephrase 153:15 replace 49:6 replaced 36:23 38:21,23 45:16 49:2,6 54:10 127:24	128:11 replacing 127:18,24 replica 24:20 25:11 replicate 40:21 replication 77:4 158:17,22 report 5:8 18:24 19:2 20:22 21:2 76:16 113:4,9,20 114:6,16 125:12 130:12 137:7 191:19 194:22 Reported 1:18 reports 120:10,18,20,22 repossess 86:2 represent 10:19 29:9 35:15 49:10 126:16 202:2 representative 26:14 50:22 80:13 81:6 136:1 141:12 representatives 83:25 180:5 represented 126:4 representing 5:25 83:9 represents 26:23 28:18 41:23 47:7 62:6 81:25 82:1 169:19 Republic 20:18 request 61:18 122:25 143:5 195:16 197:3 200:2,18 207:11,19 requested 96:25 requesting 193:10 require 82:23 159:10 required 32:25 Requirement 61:15 rescaling 200:6 rescinded 165:11 research 20:8,15 37:7 96:13 97:21 resembles 141:4 residence 150:14,15,22 151:8 153:23 154:1,13 159:10 resident 163:18 164:13 170:20 residential 137:6 resistant 127:20,20 resource 66:25 resources 191:22 respect 74:21 146:4 199:23 respond 21:23 37:3 45:1,4 56:8 72:13 90:12 111:10 157:12 responding 96:23 response 4:7 68:16 114:18 118:21 134:6 208:6 responses 56:12 responsibilities 204:14 responsibility 6:21 138:16 180:8 204:12 responsible 43:17 responsive 60:23 rest 48:24 73:16,17 74:9 105:21 134:15 183:2 197:1 202:14 restart 195:7,8 restful 166:18 restoration 38:17 40:25 42:22 51:19 52:3 56:16 77:4 123:18,25 132:20 134:18 158:16,19,20 161:20 162:6 167:6,6 202:23 restore 11:25 52:22 134:25 restored 165:12 187:11 207:9 restrict 189:3 restricted 189:8 restriction 164:15
R R 3:2 115:18 Rabideau 173:22,22 174:10 railings 28:3 raised 5:15 Ralph 18:20 19:12 21:4 22:14 41:10 119:4,5,11 ran 52:23 range 56:22 rational 74:6 77:10 Raton 121:2 185:24 reached 202:7 read 15:8 18:8 19:9 61:7 71:22 123:19 191:11 193:14 205:19 reading 71:19 ready 3:22 5:11,18 22:9 54:1 118:25 196:23 207:18 real 17:7 25:11 40:24 76:12 103:1 115:12 140:20,21 186:7,10 realistic 186:16 realistically 110:3 realities 75:24 109:10			

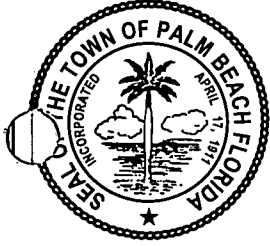
restrictions 189:11 restricts 189:6 restructure 84:1 restructuring 101:8 result 15:11 59:13 82:10 88:22 153:1 resulted 85:17 resume 19:2,4,10 20:22 58:18 119:13,17,18 retained 173:24,25 retaining 162:3 returned 140:19,22 141:21 returns 76:15 115:16 reverse 150:18 review 20:24 52:1,7 63:2 68:15,19,21 69:6,11 117:21 138:14 205:15 reviewed 121:12 138:10 reviewing 69:1 136:17 revised 82:8 revival 12:25 24:3 27:10,20 160:19 161:5 revivals 161:7 revival-type 140:21 Reynolds 115:18 re-enters 78:15 re-survey 119:25 re-surveyed 120:1 re-swear 3:16 rhetoric 78:24 RHONDA 2:9 Rica 20:18 rid 93:15 ridge 127:5 riding 206:23 right 9:15 11:24 14:3 18:4 24:16,25 34:12 56:25 57:22 66:4,19 68:9 72:24 75:1 83:6 84:10 90:20 92:19 93:9 95:3 101:4 105:24 108:14 110:19 113:21 117:10,21 118:6 129:5 130:19 142:4 144:7 145:15 147:9 149:3,25 150:20 152:20 154:18 155:4 157:25 158:2,4 166:4 168:17 170:5 191:1 194:5 199:15 rights 167:16 179:8 187:24 188:10 189:7 rigorous 160:20 risk 28:5,14 190:17 risk 82:8 201:12 road 2:2 3:10,25 4:1 6:3 13:2,2,5 42:15,16,20,20 43:5 45:19 55:3 76:7 115:8,16 120:24 124:2 128:12 130:13 131:4 163:21 164:1 179:12 196:11 207:20 Robert 58:25 115:18 rock 207:6 Rody 166:25 167:1 ROGERS 2:7 role 6:13,14 14:14 16:1,6 24:4 33:10,12 44:25 180:8 Rome 20:15 Ron 5:23 113:22 149:12 167:8 RONALD 2:3 roof 27:23 31:21 32:12 36:15 38:21 48:4 54:11,11 54:11 130:24 131:20 203:2 roofs 24:6 45:16 172:6	room 12:18 18:5 32:1 78:15 79:6 129:14,24,24 130:8,9 130:10,16 131:21 133:18 135:13 166:24 rooms 12:22 65:12,12 127:13 129:23 130:1,4 Root 124:14 ROSEN 2:4 rot 36:22 rotted 45:14 127:23 route 72:7 Royal 2:7 Rs 162:13 ruins 181:14 rule 110:23 205:2 rules 68:14 157:17 run 89:16,19 185:7 running 130:3 rusted 12:20,21 S S 3:2 saddled 17:1 safety 111:24 safety 92:21 195:25 sake 29:23 sale 72:4 86:22 104:11,13 106:2 107:15 182:15,18 saleable 196:18 saltwater 166:14 sample 19:3 San 166:20 Santo 24:21 sat 196:5 satisfaction 147:19,22 satisfactory 203:1 save 135:15 164:23 165:19 165:21 199:16 saw 24:23 saying 37:18 45:2,3 50:13 50:17 51:6,7 52:6 53:1 54:24 58:9 60:4,4 63:17 64:8,12 70:19 71:5,10 73:1,14 74:3 91:24 92:11 93:7 95:3 99:3,21 103:13 105:2 109:25 110:2 131:9 156:25 157:1 173:13 192:17 195:1 says 19:12 64:13 66:22 68:3 69:19 71:6,23 73:15 83:3 109:7 110:9 119:19 124:11,25 scale 135:19 160:11 scenario 152:1 schedule 84:24 School 19:16,17 22:16 score 47:24 50:24 54:7 scored 135:16 scrap 48:4 scratch 77:6 screen 131:21 season 111:25 128:1 132:12 196:4,5 second 12:17 21:23 35:8 52:20 72:2 97:8 113:8 114:13,20 118:18,20 198:12 205:13 208:2,5 Seconded 113:7 114:12,14 208:3 secondly 15:3 21:14 76:9 81:19 189:24 Secretary 26:2 30:9 56:10 56:13 62:9 161:25 section 61:11,15 66:18 70:15	71:19 73:3 75:13,16,17 110:8 140:19 157:4 181:19 192:24,24 secure 84:8 111:23 secured 14:10 78:9 86:20 98:6,9,25 103:10 106:12 106:17 securities 84:13,14 103:19 103:24 security 83:19 84:7,11 86:23 98:17,17 see 23:9,13,16 24:13 25:9,9 25:10 30:2,17,19 31:2,6 31:12 32:11,12,23 34:8 43:18 53:18,19 54:20 56:2 59:8 64:7 80:24 92:18 97:13 111:2 115:23 123:13 124:7 125:18,19 127:2 128:17 129:3,4 131:13,24 132:5 133:5 134:18 135:7 137:22,23 138:14 158:18 165:3 166:22 181:24 186:4,24 187:16 189:9 195:20 206:15,16,23 207:9,15 seeing 28:12 206:24 seeking 69:8 seen 14:3 24:19 39:6 52:16 52:24 54:21 56:12 59:23 65:17 115:22 117:3 194:23 202:25 sees 6:17 SEGRAVE 2:16 36:4,20 85:24 86:6 102:24 103:4 103:11,16,22 192:12 195:18 selected 33:14 Self 33:9 selfish 195:25 sell 16:17 93:20 101:19 102:6 106:24 109:3 168:9 183:25 205:3 selling 101:15,24 164:8 205:10 semblance 26:20 31:17 32:20 47:25 Seminole 120:17 send 111:17 sending 194:2 sense 33:19 55:9 92:19 111:6 122:11 153:13 155:25 sensitive 6:11 sent 193:20 194:1 sentence 161:22 177:20 separate 77:10 113:15,22 139:21 separately 50:19 sequence 26:4 serious 13:25 14:20 15:21 17:7 39:11 165:16 185:11 seriously 15:2 30:3 35:22 seriousness 175:20 serve 122:9 served 20:10 22:21 46:4 Services 1:19 session 5:10,17 118:11 174:16 175:23 176:5 177:11 178:11 192:2,3 set 8:18 25:1 52:7 55:15 85:10 95:16 sets 8:2 setting 202:5 settle 199:8,20 settled 15:12 117:8	seven 3:23 19:25 183:15 severe 108:17 severely 32:6 Shakespeare 140:15 shame 126:23 shape 10:10 132:11,20 180:2,3 201:21 share 11:4 15:15 33:21 45:10 119:11 shared 13:7 166:2 shareholders 98:8 shell 17:19 28:7 53:2,2 109:13 132:19 138:4 180:18,19 181:5,18,20 186:3 190:6 202:22 203:12 shells 202:25,25 she-said 21:24 143:14 shingle-style 59:4 ships 25:12 shocked 203:9 shocking 203:20 shoes 7:20 98:5 shore 132:3 short 151:19 154:22,23,24 154:24 170:18 176:23 short-term 83:23 show 8:14 16:12 69:17 71:16 83:4,5 103:9 121:20 125:19 140:10 145:5 163:24 showed 3:18 28:13 35:4,24 125:25 126:18 129:12 135:5 168:25 showing 50:7 141:1 shown 37:15 shows 80:10 shut 130:18 shuttered 127:25 128:10 130:15 shuttering 128:3 sic 3:24 41:11 42:20 140:17 146:14 162:20 175:10 side 24:25 30:18 38:25 40:18 42:14 46:1 95:7 112:3 129:10 135:9,11 160:12 sides 39:6,6 192:8 significant 6:20 33:22 38:1 39:11 40:19 41:22 56:20 significantly 39:8 41:7 similar 8:18 24:19 35:8 56:21 59:20 simple 47:9 93:10,19 144:11 simplicity 34:25 47:11 simplistic 59:3 simply 106:19 143:24 189:21 202:19 simultaneously 153:17 202:1 sir 5:19 22:11 37:3 112:18 173:21 190:20 sit 38:2 109:2,11 112:20 157:18 192:19 200:10 site 4:11,13,16,21 21:1 23:11,12 31:15 37:9,22 39:19 41:20 65:13 97:18 120:2,8 121:5,18 137:24 sites 20:16 29:18 33:3 sits 17:23,25 18:3 25:21 124:1 127:4 207:3 sitting 7:20 109:13 124:3 188:16 197:12 situation 7:6 11:17 16:4,6,8 17:2,3 73:9 78:19,21 79:1
--	---	--	--

81:8 102:10 103:17 108:17,21 143:14 157:9 159:13 167:22 169:2 181:24 182:10 183:4 185:15 186:20 190:5,6 199:24 207:18 six 3:9 110:25 120:11 183:15 sixteen-year 171:6 sixty 120:16 sixty-three 120:17 sizes 28:24 65:12 skeleton 195:20 sky 68:6 slap 110:11 slide 35:4 slides 125:20 140:6 slight 46:22 slightly 40:12 Sloan's 165:20 slow 131:12 Small 12:22 smaller 166:13 social 26:6 160:7 Society 126:18 164:23 Sol 207:10 sold 10:6 85:25 86:1,7 93:23 106:18 164:6,9,15,17 183:7,24 184:17 187:9 198:18 sole 10:25,25 25:1 solid 201:9 solution 51:4 198:17 somebody 77:17 94:1 113:3 155:16 182:16,17,20 184:5 198:21 somebody's 98:23 somewhat 196:15 204:4 son 167:2 soon 76:4 116:19 sorry 32:11 62:25 75:8 78:14 81:15 103:20 140:20 153:12 168:12 177:14 sort 16:3 23:4,19 37:11 185:17 sought 126:2 sound 66:10 135:1 196:8 201:10 sounding 201:13 sounds 195:22 sour 92:13 199:9 South 2:4 52:16 120:16 121:12 124:2 134:21 southwest 12:14 30:11 131:19 133:15 135:8,8 172:15 space 41:13 129:14 130:4 206:18 spaces 40:5,5,9 41:6,25 45:13 129:20 Spain 23:21 span 141:5 Spanish 23:23 24:1 25:2,4 25:11,12 27:15,25 30:22 sparse 32:22 speak 43:24 100:13 104:5 105:3 112:20 143:4 speaking 33:19 81:24 159:24 special 30:7 95:15 197:23 202:4 206:1,19 specific 114:23 197:23 specifically 26:11 44:1 195:3	specifications 88:17,23 specs 97:24 speculate 188:17 189:23 speculating 85:14 speculation 203:25 204:2 speculative 199:3 201:14 spend 77:21,21 100:19,20 111:8,22 spent 23:21 58:18 77:18 78:3,7,10 80:10,20 106:11 106:14 171:12 180:14 spirit 44:20 Spirkles 166:19 splendid 166:24 spoke 164:10 180:18 spoken 74:18 109:6 158:10 square 54:10 SRA 115:19 staff 2:6 5:8,14,23 21:8 36:10 68:13,15,21,24,24 69:24 72:12 74:9 75:9 83:8 92:21 116:13 117:23 118:9 119:17 126:22 130:1 138:13 144:3 149:24 152:17 154:1 158:5 174:17 193:4 196:24 197:16 stage 50:24 202:23 staircase 55:12 stairway 27:24 31:10 133:19 134:2 135:15 stairwell 57:12 stand 35:10 58:1,16,16 84:16 99:1 137:21 standards 26:2 31:24 41:17 56:15,18 62:9 122:5,25 123:6,17 124:7 127:10 134:9 138:8 160:17 161:25 standing 146:25 standpoint 15:22 65:5,6 66:3 76:21 102:12 104:22 start 3:11,14 10:10 34:7 77:6 117:20 151:3 155:23 192:11 195:12 started 13:12,25 14:4,6 78:1 91:17 112:1 123:11 131:24 134:18 136:5 137:8 198:5 199:3 starting 50:1 131:8 205:10 state 1:19 3:5 26:6,9,23 43:2 43:2 51:7 119:7 130:7 141:2,18,22 142:7 stated 37:6 142:5 143:6 149:16 155:8 170:3 193:19 207:15 statement 86:23 102:25 142:25 163:15 174:23 191:2 statements 187:13 states 92:10 150:17 151:13 statewide 122:20 stating 159:5,7 status 14:3 21:18 76:6 82:16 83:18,22 103:1 115:3,8 149:1 159:14,15 165:12 194:22 statute 142:7 200:5 stay 50:20 stayed 167:3 stays 173:15 184:7 steel 12:19 196:8 stellar 171:17 stepped 14:19 56:4 steps 55:15 200:16	Stern 58:25 Stetson 205:15 stickers 49:25 stickler 123:3 stipulate 21:9 stock 84:15 stone 28:1 stop 15:16 155:14,17,23 167:12 198:21 stopped 197:6 story 70:2 73:16,17 Stotesbury 126:15,19 171:10 Stotesbury's 35:18 stressed 178:21 stricken 82:7,10 strict 44:11 65:22 stripped 28:6 123:18,25 203:21 strong 17:5 strongly 9:16 203:24 structural 131:25 139:21,24 structurally 132:17 135:1 196:7 structure 7:18 12:8 15:12 16:15 18:1,3 21:1 30:7 40:13 88:2 101:21 124:4 125:17 138:5 141:17 142:11,13 144:16,16,20 145:1,8,9,11 146:9,11,12 146:18 147:2,15 148:14 148:21,24 149:1 151:18 151:19 152:22 153:1,7 154:6,14,25 161:11 165:11 181:5 183:23 184:3 196:17 structures 59:11 96:16 97:18 120:3,5 137:12 138:17 148:3,6 156:9 161:7 STUBBS 2:10 stucco 27:24 32:17,18 stuck 184:9 200:19 students 139:19 studied 20:14 study 26:12 61:7 140:23 174:2,6 189:14 190:4 studying 142:11 stuff 36:21 48:24 71:17 74:24 99:18 117:12 136:9 172:9,12 style 26:12 27:20 31:20 36:2 47:7 93:10,10 161:18 162:16 styles 39:16 160:20,21 161:6 subdivide 89:5 168:3 subdividing 206:10 subject 7:14 submit 67:3 69:1 72:23 75:22 76:1,1,3,9 submittal 68:14 submitted 33:12 113:17 114:7 142:18 subsequent 90:19 196:16 204:9 substantial 191:5 substantially 36:15 substantiation 169:22 success 55:22 65:19 109:4,5 109:8 successful 33:5 40:23 55:23 171:4 184:15 successfully 133:23 sue 191:12 sued 179:4,6 191:14	suffered 109:19 Suffice 10:24 sufficient 54:7 147:13 sufficiently 173:4 sugar 166:20 suggest 8:8 18:16 64:9 68:1 72:22 95:12 107:10 109:16 114:2 178:25 180:9,9 184:21 suggested 107:3 167:21 168:11 185:3 suggesting 49:1 54:9 64:15 167:24 suggestion 34:6 74:8 90:9,23 Suite 2:4 sum 176:4 summarize 177:17 summary 117:1 176:11 summation 34:20 summer 128:7,10 sunken 129:14 supplemental 139:8 Supplementary 120:18,22 130:12 support 65:10,17 98:20 supported 78:8 187:23 supports 205:25 suppose 77:5 supposedly 204:3 Supreme 92:9 158:9 sure 3:17 18:24 34:16 47:18 49:24 66:18 77:7 89:9 112:21 142:25 154:21 155:10 161:23 169:10 186:1 198:15,23 202:18 surface 32:15 surmise 24:18 surround 7:18 9:2 surrounding 73:10 survey 37:12,21 120:3 121:5 121:9,10 128:6 191:20 surveyed 111:14 surveys 191:21 suspect 46:3 swear 4:3 switched 42:14 sworn 4:2 Sylvester 10:21,24 11:3,3,8 11:20 13:21 14:8 15:4 78:3,9 87:9,11 88:14 106:13 Sylvester's 14:10,12 15:14 83:25 100:9,23,25 103:22 106:14 symbolically 57:10 sympathetic 103:16 sympathy 199:23 203:21 206:20,21 207:17 synonymous 27:16 system 48:4
---	---	--	--

204:17 taken 3:4,21 24:4 36:13,15 44:20 61:6 90:2 91:7 117:19 130:24 131:22 141:8 156:3 162:21 163:1 170:3 172:15 176:8 200:17 takes 17:18 204:12 takings 205:16 talk 14:5 25:15,16 32:3 35:20 41:2,3 50:19 57:5 99:17 129:21 136:3 140:14,18 180:7 talked 35:5,9,13 36:9 37:16 60:12 139:14,18 143:3 176:22 205:16 talking 29:17 34:18 44:12 78:5,17 86:19 93:4 95:22 104:20 112:16 139:16 141:7 145:9 151:23,25 153:17 169:3 175:4 202:1 talks 71:21 192:25 204:25 205:19 tall 166:4 Tallahassee 132:1 Taming 204:22 task 33:16 tassels 137:8 taught 23:20,22 tax 40:7 76:15 115:16 123:1 123:4,11 129:21 134:4 taxes 76:12 81:1,2 82:12 93:6 115:12 182:25 teacher 139:17 team 4:19 5:7 90:7 138:20 tear 16:15 108:21 109:10 166:8 168:1,2 190:7,8 195:17 198:4 200:18 205:4 tearing 101:12 195:21 206:5 Tear-Down 204:23 tear-downs 205:1 techniques 201:15 technology 127:19 teeth 197:14 206:24 tell 6:4 7:14,23 11:12 48:10 60:15,18,21 70:2 73:16 75:25 78:1 99:13 100:6,7 100:9 101:18 102:17 110:12,17 112:9 122:6 142:9 150:12 190:4 telling 6:10 73:21 109:4 180:14 tells 92:10 ten 3:11,19 15:20 49:3 54:10 110:16 120:15 191:14 tennis 166:8 tenure 124:13 131:18 ten-minute 116:19 term 123:21 158:19,22,23 159:1,8 terms 14:24 19:24 42:1 65:12 76:22 101:14,16 147:24 151:17 162:14 183:20 Terra 31:7 terrible 10:10 92:24 180:2,2 185:15 203:22 207:18 terrific 203:21 testified 87:18 154:3 185:2 testifies 169:15 testify 149:17 175:11 testifying 145:21,23 147:5 testimony 4:4 21:15,16,21 145:23 146:14 149:13	152:6 168:18 169:11,21 170:1 191:11 207:23,24 Texture 119:10 textured 32:17 thank 22:9 33:23,24 34:17 36:3 42:11 60:8,24 66:12 75:20 80:18 84:19 89:2,7 90:22 112:18,24 114:19 118:22 139:1 144:1 158:6 160:15 163:12 169:3,5,6 170:15 173:20,21 174:7 175:23 176:7 177:9 178:2 185:25 186:10 187:1,2 191:8 192:1 208:7 thanks 159:19 177:24 theater 126:1 Theoretically 110:21 153:5 thereof 157:19 thing 31:19 46:21 47:13 52:25 56:7 59:16 60:3 92:18 93:15 98:2 107:10 122:23 128:21 136:3 141:22 142:20 171:14 172:19 173:7,12 187:8 189:12 192:14 199:14,19 205:13 things 11:13,18 12:4 21:7 23:18 25:24 27:9 28:10,11 29:14,21 36:5,22 37:8,24 38:3,10 39:7 42:24 43:1,4 43:10 44:2 45:21 47:1 56:1 60:21 64:19 81:18 85:12 92:12 94:23,24 113:13 119:17,19 124:9 125:10 130:25 135:18 148:6 152:22,25 153:25 154:3 155:2 165:19 167:10 170:4,5 176:4 178:4,7,8,8 181:25 188:13 189:22 think 5:5 6:17 7:24 10:3 17:18 18:4 19:6 24:2 29:16 33:15,16 35:1 36:2 37:13 38:10,22 39:24 43:23 44:4,18 45:4,24 46:16,18,24 54:2 56:24 58:17 59:10 62:10 64:12 65:5,25 66:7,10 68:10,17 70:8 72:8,18 73:6,8 75:5 78:24 79:1,2,3 80:1,6 83:3 83:6,17 85:18 89:11,18 90:4,5,6,8,24 91:16,17,21 91:23 92:15,23 100:3,15 106:8,25 107:12 112:2 113:16 115:23 117:21 118:13 121:22 125:18 128:20 129:17 131:3 132:17 133:7 136:3 138:21 139:11,19 140:14 141:8,14 142:17,21 143:17 145:20,21 147:10 148:17 154:18,19 155:5,7 157:6 159:22,23 160:24 161:4 164:17,20 168:19 169:14 170:5,7 172:17,22 173:3,5,10,11,14,17,18,19 175:8 178:11,15,20 180:20 182:6,8 187:5 188:5,8,13,16 191:16 197:2 198:2,5 199:15,22 200:3,20,22 201:3,4,7,8 201:12 202:6,20 203:5 204:5,7,13,17 205:12,24 207:5 thinking 18:1 99:23 122:6,7	thinks 46:24 third 10:23 27:19 35:13 110:7 162:9 198:8,16 200:8 thirds 132:13 thought 22:2 23:19 44:21,23 50:11 56:24 75:8 91:12,13 95:3 100:12 116:7 134:24 148:21 159:25 176:12 188:18 201:11 thousand 93:3 threat 112:6 threaten 112:1 three 4:23 10:20 21:7 35:17 61:13 71:23 129:5 133:19 134:14 135:20 137:4 141:7 159:22 160:9 162:13 166:14,15 171:9 191:21 205:2,3 thrilled 92:15 107:5 173:5 thrown 44:5 tied 97:9 199:15 tier 160:6 tile 24:6 27:23 31:7 132:6 134:19,20 172:6 tiles 172:6,7 203:16 Tim 81:9,9,12,13 128:23 129:10 130:11 131:10,25 132:8,13,14 135:6 144:13 153:24 159:18,21 time 7:10 9:15 10:3,11 13:1 13:8,22 21:12,13 23:21 35:18 37:2,25 45:23,25 46:5 49:1,3,3 54:10,12 55:5 58:19 59:6 67:18,25 68:20 70:11 71:10,16 72:3 74:11,25 80:7 82:5 83:24 88:14,18,23 91:11 96:24 97:4,23 99:16,16 112:22 123:21 131:10 133:8 136:16 141:3 142:16,16 143:8 155:24 161:3 162:7 167:18 169:4 171:12 174:2,6,10,11,17 176:4 177:4,15,24,25 180:12,14 180:23 184:20,21 190:11 191:21 195:21 202:9 times 4:22 23:12 33:5 45:12 45:22 125:24 139:19 140:13 167:13 timing 200:5 TIMOTHY 2:6 tiring 186:1 title 76:10 150:2 today 5:24 6:7,23 7:3 8:1,14 11:8 12:3 18:3 26:19 29:8 38:6 44:3 48:22 51:8 53:1 53:4 54:20,21 60:12 63:5 69:9,13,13 83:11,13 84:16 102:4,22,23 103:6 105:11 106:18 111:19 116:9 136:12,22 138:12 148:3 158:22 165:17 167:4,5 175:5 179:13,17,22 180:21 197:13 200:3 token 157:2 told 3:15 12:4,6 66:13 69:22 76:23 104:17 128:12 132:2 153:24 166:7 178:18 179:6,8,9 187:25 Tom 81:14,15,21 98:20 182:8 tomorrow 102:6 195:12 top 76:11 81:25 173:9 tore 140:16 165:21	torn 12:19 126:24 165:4,17 167:20 171:11 196:23 total 62:17 64:7,10 75:18 196:13 totally 12:14,16 77:9 107:22 143:20 179:17,18 181:1,7 touch 43:19 touching 9:6 tower 133:9,10 206:12 Town 1:10 2:9 3:4 6:13,20 8:6,10 9:8,14,18,18 12:12 16:21 18:25 21:8 26:7 27:5 44:9 55:20,23 65:15 66:1 91:2 92:20 94:7 99:15 104:18 108:23 110:11,19,21,24 111:7,18 111:19,22,25 112:5,19 117:23 119:20,25 120:1 120:12 121:1,8,24 122:3 122:10,18,20 124:10,16 124:24 125:16,22 127:17 127:22 134:10 136:17 137:4 138:15,17 148:15 150:3,21 152:9 153:23 155:1 156:8 160:7 161:15 163:21,24 170:20 173:23 178:25 179:2,4,7 181:12 181:14 184:10,14,15,18 184:22 187:22 191:7,12 191:14,19,20 192:20 193:8 194:8,9,11,14 195:14 197:16 198:14 199:17 201:6 202:2 203:25 204:5 town's 7:5 49:24 107:16 194:16 201:25 track 65:25 trade-offs 189:1 tradition 24:1,14 25:2,4 30:22 Trail 124:15 train 201:10 trampled 188:10 transaction 84:2,12 88:12 97:6 103:10 transactions 88:24 transcend 70:3 Traurig 2:3 5:24 treasures 6:19 7:5 Treat 134:9 treated 193:3 treatment 28:1 tremendous 63:15 trend 137:8 204:23 trial 98:3 99:1 104:4 trials 204:1 tribulations 204:1 tricky 146:8,10 tried 40:22,22 100:14 101:19 130:21 143:3 188:3 trip 132:1 trite 6:18 trouble 185:11 198:25 Trubeck 58:23 Trubeck-Wislocky 58:20 true 13:22 29:6 40:15 44:19 45:15,17 47:10 75:16 98:22 140:20,21 141:23 147:9 201:4 truly 182:1 202:5 truss 54:12 trust 5:13 20:1,5 33:8,9 122:22 165:7,10,10 204:21
---	---	--	--

trustee 16:2 Trustees 20:1 33:8 truth 4:5,5,5 try 8:14 40:21 109:3 139:9 147:20 168:3 178:13 182:10 204:6 trying 44:16 107:10 136:24 146:8,10 156:12 173:13 185:14 186:9 197:11 199:16 205:25 turn 33:6 100:2 205:5 turned 13:24 turnip 109:23 twice 193:22 two 4:22 16:22 17:4,5,7 35:19,19 46:7 50:10 52:24 53:5 57:4 59:7 66:14 76:14,15 81:18 82:6 84:13 87:16 100:21 102:8 114:3 115:10 120:22 126:11 132:13 136:20 139:22 144:4,22 149:10 158:7 159:22 160:3,6,10 163:22 166:1,14 169:7 177:8,20 185:19 187:18 188:13 189:21 198:9 201:5 204:19 two-page 76:9 115:11 two-story 135:12 type 21:25 26:11 161:8 types 28:24 typical 27:21 28:15 35:9 typically 88:24	174:1 180:11 196:5 unimportant 180:20 Union 13:22 unique 8:16 19:18 27:12,25 28:21 31:4 202:5 United 92:10 University 19:17 20:6 22:16 unlawful 154:25 unpleasant 166:10 unrealistic 79:9 unreasonable 183:19 unsavory 141:1 unsightly 128:2 untitled 115:11 unusual 6:24 95:16 unwittingly 180:10 updated 65:11 136:7 upgrade 55:25 upholding 122:17 upshot 173:12 usage 206:17 use 24:11 26:13 44:10 47:9 61:17 64:1 81:13 121:16 122:24 123:5 127:9 136:7 148:12 158:20 159:1,8 179:11 180:16 181:9 useless 65:9 user 63:22,25 uses 64:5 162:3 usually 25:4 26:3 utilized 32:17,17 84:9 103:9 U-shaped 129:6 130:16 131:19	violation 110:10 virtually 8:20 visible 53:17 visit 41:20 visited 4:21 21:1 23:11 31:15 132:10 vis-a-vis 20:25 volumes 160:11 voluntarily 189:8 vote 17:6 200:21 206:4,5,6 voting 8:22	182:16 183:11,11,12,14 183:17 184:1,8 187:8 189:20 190:7,12 206:6 ways 16:13 91:23 weather 132:16 Wednesday 1:9 126:3 week 132:10 134:12 193:23 206:12 weight 44:22,23 welfare 195:25 went 4:13,15 9:22 31:15 45:7 97:9 119:21 124:24 126:17 132:13 140:6 169:1 171:15 180:12,13 188:21 191:20 199:9 weren't 138:9 142:18 west 1:20 2:5,11 13:10 30:1 30:13,18 31:3,4 32:10 38:18,25 40:9 42:14 53:11 53:12 55:12 63:12,13,14 136:6 141:23 164:24 172:10 western 42:13 we'll 38:6 67:7 69:24 71:16 74:4,8,11,14,25 76:8 78:16 79:10 80:22 100:6 102:5,5 108:12,21 118:9 118:10 174:15 177:20 we're 3:19 5:5 16:3 17:11 36:16,25 41:13 45:3 49:13 72:16 74:5 77:2 82:25 83:5 92:15 93:4,19 95:24 100:8,10 101:23,24 104:20 108:25 109:11 112:16 113:21 116:18 118:4 120:21 122:25 128:21 132:7,24 136:22 139:8 141:7 156:18 168:14 169:3 174:14 185:3,16 189:4 199:16 200:22 201:13,14,15,16 201:24 205:25 207:6,7 we've 3:17 14:7 36:21 50:15 76:14,14 77:2 101:18 109:4,6 118:12 122:15 130:3 142:16 162:20 168:21 199:15 201:4 205:16 whatsoever 181:20 whispering 88:9 white 184:10 wide 56:21 wife 155:14 165:24 wildlife 134:14 Wilkey 2:14 4:10 38:10 40:4 41:12 45:11 46:25 52:15 52:19 53:8,23 78:14,15,16 85:9,14 95:25 99:7 113:7 114:10,12,14 115:2,6 118:16 146:16 174:8 187:4 188:5,12 189:12,14 202:17,19 208:3 Wilkey's 190:22 willing 188:25 willy-nilly 97:19 windfall 107:1,2 window 29:11 49:3 54:10 windows 25:13 28:4 29:13 31:22 32:5 36:22 45:14,15 49:9 62:18 127:19,23 128:11 141:18 203:3 windstorm 82:9 wing 13:11 30:11 wins 121:14 wisdom 66:9 122:3 148:23
ultimately 10:6 64:20 86:7 157:8 178:10 umbrella 34:19 Um-hum 85:21 unable 207:21 unacceptable 50:18 Unanimous 114:18 118:21 208:6 unclear 96:5 153:19,20 underline 10:25 undermine 154:5,7 undermined 47:4 154:12 155:3 understand 3:10 9:21 12:16 51:21 54:23 60:3 64:19 73:14 75:24 76:24 77:25 78:25 86:7,14 88:19 89:21 99:14 106:5 110:13 112:15 153:16 179:20,21 182:6 185:9 187:7 188:8 understanding 40:18 49:8 67:13 165:8 169:16 understood 24:7 62:2 146:7 187:8,10 188:9 undertake 10:15 54:6 undertaking 82:24 91:12 undertook 52:22 underwritten 85:1 undesignate 6:23 9:5 138:2 155:15 undesignated 7:12 8:2 150:17 176:23 undesignation 3:9,24 71:3,8 72:14,15 113:4,9 114:5,16 143:5 145:5 207:16,20 unenvious 186:3 unethical 186:14 unfortunate 200:23 unfortunately 95:1 172:3,12	valid 99:23 valuable 26:12 101:22 value 16:16,17 71:24 72:1 89:1 93:18 96:10 101:20 101:21 102:5,15,22 105:4 109:16 110:22 160:14 163:10 172:5 180:15 189:18,19 vanished 162:11 variable 77:18 variety 6:6 16:13 76:7 various 15:4 23:9 115:9,13 178:7 vegetable 166:16 venture 201:14 verify 193:10 vernacular 124:19 version 82:8 versus 49:15 191:5 viable 38:15 111:3,4 143:9 vicinity 104:24 108:4 Victor 2:16 4:13 34:16 47:5 47:15 71:18 75:14,20 78:12 79:6,10,15,18 82:21 83:2 85:18,21 93:9 96:1 104:17 110:7,14 113:6 118:6 132:10 134:13 137:21 149:19 156:17 169:6 176:1,18,19 177:1,8 182:17 197:14 198:7 204:19 Victor's 158:2 view 15:25 58:14 68:22 77:15 151:9 164:4 178:1 185:5 202:21 views 20:24 23:10 33:21 42:3 73:11 Vindita 120:13 violated 165:9	Wachovia 13:23 81:11,22 87:3 wait 78:16 79:10,14,18 153:12 203:3 waiting 149:21 walk 102:4 135:11 wall 48:3 120:14 131:14 148:20,24 166:4 walls 27:24 132:19 Walt 132:1 want 3:13 6:10 7:21 12:6 21:22,24 22:25 25:14 36:23 40:1 43:22 47:19 54:1 55:17 63:18 66:17 68:7,18 69:25 70:4,5,6 71:9,12,15,15,22 74:2 75:4,4,6 76:9 79:14,20 81:12 90:5,11 98:2 100:7 100:18,20 102:2,18 104:10 106:6,8,25 107:6 110:14 111:5,7,22,23 112:15,25 116:1,2,14 117:11,16 118:1 127:3,9 128:4 135:24 136:23 139:21 143:15 144:6 149:8 153:16,19 156:13 156:15,16,20 157:11 167:7 171:14 172:5,24 173:7 174:4 176:3 177:13 177:23 178:3,13,19 179:2 179:10,21 181:12,14 182:5 185:9,24 186:10,13 187:20 189:4 191:9 192:15,15 195:24 196:24 197:21 198:4,5,6,15 206:18 wanted 23:13,15 72:6 124:23 126:22 130:7 131:4 136:21 160:25 161:17 164:3 182:21 186:2 195:4 199:13 205:13 wanting 107:11 wants 79:11 96:9 102:3 168:1 170:17 176:1 192:11 warmly 65:18 wasn't 18:11 25:7 45:25 46:5 62:24 69:12 107:10 116:8 172:22,24 177:3 199:14 way 9:23 11:10,11 16:13,14 22:24 26:1 41:8 43:6 46:12 51:17 60:2 62:19 63:23,24 64:1,4 70:6 74:15 84:9 86:8,14,25 90:1 91:16 92:25 111:3,4 114:5 120:24 127:4,15 129:16 154:11,14 156:11 158:21 161:16 163:9 171:20 173:8 175:2	

wish 163:15 185:18 192:6 199:25 wished 195:13 wishes 70:20 74:20 143:10 wishing 107:15 Wislocky 58:23 witness 34:6 58:22 90:18 150:1 170:14 191:18 wolf 206:24 Woman's 121:7 won 122:21 wonder 199:19 wondered 72:6 wonderful 79:5 94:25 178:22 179:1 wondering 176:24 wood 12:20 24:11,11 28:4 35:6 wooden 24:11 28:3,14 127:23 158:11 wood-framed 124:19 word 7:19 10:25 11:25 26:22 33:17 44:17 47:9 179:11 180:17,19 182:20 words 18:9 63:19 70:21 106:1 185:20 work 10:16 12:11 13:15,16 13:20,25 15:19 26:15 34:21,24 44:15 66:5 69:24 73:25 74:9 81:4 82:13,20 83:21 107:20 121:1,11 122:1,19 137:11 141:12 141:12 155:15,19 159:14 180:3,4 181:15 193:17,24 195:5,12 197:5,12 198:1 workable 12:23 worked 42:25 44:9 55:20 120:11 126:9 128:7 130:18 150:6 173:16 199:11 working 88:13 123:23 works 24:15 39:10 42:22 57:24 119:23 world 24:2,14 27:16,25 30:20,21 79:3,4 136:4,6,8 136:9 192:15 worse 77:2 worst 200:3 worth 18:12 46:13 92:7 93:18 99:22 104:24 105:9 108:3 109:7 136:10 189:1 205:14 worthwhile 46:8 205:4 worthy 144:17,20 wouldn't 34:1 40:23 47:6 59:9 111:7 146:19 180:16 197:12 199:24 wreck 92:20 written 126:2 165:19 wrong 11:24 44:20 92:16 95:4 99:1,2,25 142:2 144:14,14 156:6 169:17 178:9 191:18 wrote 19:3 120:10 X X 93:22 Y yacht 107:8 year 19:23 33:11 126:11,15 130:20 131:7 132:12,16 133:4 137:5 171:18 197:7 197:8,9	years 4:23 9:10 19:25 23:20 33:7 55:3,10 76:12,15 80:4 106:23 110:16 115:13,17 119:6 120:5,19 122:7 141:3 150:8,22 152:2 163:21 166:7 179:14,23 203:11 204:11 year's 93:6 YEN 2:9 67:22 170:6,10,13 yesterday 4:11 York 125:24 Z Z 171:1 \$ \$10 91:15 \$14 13:20 80:3,3 89:23 182:13 \$16 168:25 \$18 89:24 \$18,965,333 80:10 \$19 106:19 108:4 \$20 104:25 106:24 108:4 182:18 \$21 108:4 \$22 108:4,11 \$300,000 81:1 164:22 \$5 80:19 182:13 183:5,9 \$55,000 80:25 0 01 115:15 02-129-3 115:15 02-12913 15:9 I 1,200 120:2 10 89:25 168:11 11 122:7 167:22 11th 67:21 110 120:24 1200 121:12 134:21 125 75:16 14 106:14 205:6 15 150:22 16 1:9 173 124:14 18 182:22 19 182:15,22 1917 171:3 1918 126:8 1919 25:19 34:23 48:23 126:5 137:6 165:23 1919s 127:14 1920s 65:11 127:14 1928 129:1,1 1934 172:14 1935 172:14 1936 166:12 1949 125:25 1960 171:12 1979 120:19 122:2,3 191:14 1980 9:15 72:1 167:11 191:12 1980s 65:15,16 125:5 1981 126:6 1989 120:19 1992 119:19,24 122:1 162:24 1995 130:12 1997 120:1,9	2 2,968,000 103:1 2,968 103:8 20 9:10 104:19 141:3 156:17 182:22 204:11 20s 49:18 20-year 141:5 2000 72:5 115:17 130:21 133:4,5 2001 115:17 133:5 2003 1:9 127:1 25 120:12 3 3:45 1:11 30 83:24 193:16,18,24 300 2:4 321 2:7 33401 2:5,11 33480 1:10 2:8 4 4 89:24 40 90:1 205:9 40s 130:17,23 40-plus 168:9 420 120:13 455 2:2 3:9,24,25 6:3 76:6 115:8,16 120:24 124:2 128:12 130:13 131:3 136:2 163:21 179:12 180:6 199:1 207:20 475 163:25 5 50 120:5 50s 130:17,23 505 2:10 51 120:3 54-125 75:13 54-125C 66:18 54-3 192:24 543 110:8 5471 61:15 561.659.4155 1:21 6 6-foot 166:4 60s 126:25 670 205:18 7 7 167:22 70s 59:1 777 2:4 8 80 163:20 800.330.6952 1:20 9 9:00 1:11 91 166:7 92 127:7 97 128:6 170:24 99.9 202:13
--	---	--



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, MAY 21, 2003 AT 9:00 A.M.

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

I **Call to Order:** Chairman Pandula called the meeting to order at 9:00 a.m.

II **Roll Call:**

PRESENT:

Eugene Pandula, Chairman
Sari Wilkey, Vice Chairman
Ann Vanneck, Member
Jack Pyms, Member
Judy Hoffman, Member
Patrick Segraves, Member
Wendy Victor, Alternate Member
John C. Randolph, Town Attorney (arrived at 9:32 a.m.)
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator

ABSENT:

Ann Blades, Secretary (Unexcused)
William Lee Hanley Jr., Alternate Member (Excused)
Jane Day, Staff Preservation Consultant

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that a **Court Reporter, Phillip W. Loter**, was present for the hearing relative to Certificate of Appropriateness #6-2003, The Mar-a-Lago Club, 1100 South Ocean Boulevard.

III **Approval of the Minutes of the April 16, 2003 meeting:**

A correction is required on Page 4: "Attorney" Tom Kirchhoff should be corrected to "Architect" Tom Kirchhoff.

MOTION BY MR. PYMS FOR APPROVAL OF THE CORRECTED MINUTES.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:** By Mrs. Delp

V **Public Hearings:**

A. **Application for Certificate of Appropriateness #11-2002 (deferred since June 2002) Gatehouse, landscape, hardscape, new porte cochere**

Owner/Applicant: The Breakers Palm Beach Inc.

Address: 1 South County Road

Architect: Wimberly Allison Tong & Goo (WAT&G)

Peridian International Inc., Mr. Arthur Beggs

Project Description: Request approval of the following:

1. **Front Driveway Improvements** - Reconfigure the front driveway/ parking and landscape area with landscaping and lighting improvements, and add a security gatehouse on main driveway. The parking currently located on the main driveway will be relocated to a service drive to the south.
2. **Balustrade Removal**: Replicate balustrade at front entrance west of Porte Cochere of the Hotel further west in order to add additional valet lanes to match existing west of front lawn
3. **Ponce de Leon Porte Cochere** - Add new porte cochere and covered walkways to the south entrance of the Hotel connecting it to the Beach Club with landscaping and lighting improvements.
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS:

Application for Certificate of Appropriateness #11-2002 - Approvals to date

Motion at the June meeting: "that the applicant re-visit the design of the gatehouse to make it less massive, approve the materials for the walkway, approval of the landscaping, approval of removal of the balustrade that is between the three arches at the front door, that another balustrade not be added as was originally contemplated, and that the porte cochere be re-visited (for its roof) even though the concept is good, and the arch in the porte cochere is acceptable." The applicant was requested to return to the July meeting with details relative to the south supplemental parking with the landscape islands.

At the July meeting, there was a motion for approval of the gatehouse design, presented as design option #2, with some thought to be given to vining the gatehouse, and if needed, underplanting the hibiscus hedge at the south parking area. Relative to the porte cochere, there was a motion for approval based upon the applicant returning next month with glass samples, details regarding the clips, materials and color of the metal elements.

At the August meeting, there was a motion for approval of the color of the glass, and the color of the metal, and approving the clips for the trellis and canopy to be the same bronze color, and **requiring that the shop drawings return to the LPC showing the profiles of the metal, and the size and position of the attachments to the building.**

At the August meeting, there was a motion to approve the 36" tall Flagler bollard with a metal halide lamp, diffusing part of the light that is facing the gatehouse, and approval of the interior fixtures in a verde finish with metal halide lamps as well.

At the September meeting, there was a motion for deferral to the October meeting as shop drawings were not ready.

At the October meeting, there was a motion to approve the temporary awning through June 1, 2003. There was also an approval of the new restroom building required in conjunction with the gatehouse. There was a motion for deferral of the shop drawings for the glass system to the November meeting.

At the November meeting, there was a motion for approval of the glazing system at the trellis walk, as revised, and approval of the automatic window curtains along the trellis walk. There was also a motion for deferral of the glass canopy element to the February 2003 meeting.

At the February 2003 meeting, there was a motion for deferral of the butterfly canopy to the March 2003 meeting. At the March 2003 meeting, there was a motion for the deferral of the butterfly canopy to the May meeting.

Mr. Frank referred to an e-mail from the applicant requesting an additional deferral to the June meeting.

**MOTION BY MRS. VANNECK FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.**

- B. Application for Certificate of Appropriateness #6-2003 (deferred from Feb., March & April) Landscape, lighting, architectural details
Owner/Applicant: The Mar-a-Lago Club
Address: 1100 South Ocean Boulevard
Architect: REG Architects
Project Description: Request approval of the following
- A. As-built landscape plans
 - B. Lighting fixtures
 - C. Architectural details
 - D. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mr. Segraves visited the site and met with Mr. Blackman. Mr. Pandula met with Mr. Blackman.

Please note that at the February meeting, after hearing this matter, there was a motion for deferral to the March meeting. At the March and April meetings, there were motions for deferral to the next month, now to this May meeting.

Attorney Ray Royce, Wes Blackman, Director of Projects at the Mar-a-Lago Club, and Ellen Uguccioni, expert witness, testified relative to this matter on behalf of the applicant. Mrs. Delp administered the oath to Ms. Uguccioni, who arrived after the initial swearing of witnesses. Mr. Royce clarified that the property west of South Ocean Boulevard is landmarked property. While the beach parcel is not landmarked, it does come under the jurisdiction of the LPC for review. This provision for LPC review was done by mutual agreement during the Special Exception and Site Plan Review process for the cabanas. On February 14, 2003, a Certificate of Approval and Occupancy was issued by the Town, with conditions, for the two beach cabanas (*Applicant's Exhibit 1*). Today, a presentation will be made relative to the remaining items listed above.

Mr. Royce stated his belief that the architectural features, i.e., crests, are entirely appropriate and in keeping with the architectural style of Mar-a-Lago, and meet the criteria required for issuance of a Certificate of Appropriateness. Furthermore, he stated that similar identification features, including, but not limited to crests, flags, ornamentation, etc., commonly exist at many locations elsewhere in the Town, without having been either reviewed by the LPC or the Architectural Commission, or noticed as violations. Therefore, it could be assumed that such architectural features are considered to be in keeping with appropriate Town standards. He felt it would be unfair to hold the Mar-a-Lago Club to a different review standard. Mr. Royce requested that any LPC member who is a member of the Bath and Tennis Club should decide whether he/she is able

to give a fair review of this project, especially in light of Mr. Trump's very public disapproval of the loading dock area at the Bath and Tennis Club. Mrs. Vanneck, Mrs. Victor, and Mrs. Hoffman, all members of the Bath and Tennis Club, stated that they would be able to review this matter fairly.

Mr. Royce introduced Ms. Ellen Uguccioni, expert witness, and submitted her resume as *Applicant's Exhibit 2*. Ms. Uguccioni identified herself as an architectural historian, by profession, and testified to her credentials, past awards and pertinent career experiences. She stated that she had been asked, by Mr. Royce, to address how the architectural ornaments on the cabanas relate to Mediterranean architecture, and whether they were appropriate within that architecture. After that, Ms. Uguccioni gave a lengthy presentation relative to Mediterranean Revival architecture, and its relevance to South Florida's development, and more particularly, to Palm Beach. She explained that architectural ornaments on the cabanas are consistent with the profusion of ornamentation found both interiorly and exteriorly at Mar-a-Lago. The ornaments are likewise in keeping with the romantic, theatrical and flamboyant design of Joseph Urban which is evidenced in Mar-a-Lago. Ms. Uguccioni provided a definition of "cartouche," "*an ornamental tablet often inscribed or decorated and framed with elaborate scroll-like carving,*" and "*a painted, engraved, or sculptured ornament of a regular or fantastic form enclosing a plain, central space, usually oval or lozenge shaped used as a field for inscriptions,*" and "*an ornamental panel in the form of a scroll or sheet of paper with curling edges, usually bearing an inscription or sometimes ornately framed.*" She presented a booklet, *Renaissance Architecture and Ornament in Spain*, (*Applicant's Exhibit 3*), illustrating various examples of cartouche, i.e., crests. These cartouche serve to identify the pedigree of a family, and are quite common and frequently used. Ms. Uguccioni commented that the cartouche on the beach cabanas meet the requirements of the LPC ordinance and serve to continue the relationship between the old and the new at Mar-a-Lago. One inch letters at the base of the cartouche bear the name of the owner, "TRUMP," and provide continuity in the history of Mar-a-Lago. It was her opinion that the cartouche are absolutely appropriate accents to the relatively plain beach cabanas.

Mr. Blackman clarified that the letters are indeed 1" on the two smaller cartouche, but are 1.5" on the cartouche of the south cabana. The commission members noted that on the examples shown in the booklet (*Exhibit 3*), there are no names of owners shown on the cartouche. Ms. Uguccioni stated that since the cabanas are new construction, it was acceptable that the cartouche bear the name "TRUMP."

Mr. Pandula commented that if the cartouche had been planned from the beginning and had been part of the LPC review of the cabanas, this would have been resolved at that time. He expressed concern about the scale of the cartouche and the intensity of the gilding.

Mr. Moore requested that the Chairman accept the February 18, 2003 minutes of the Landmarks Preservation Commission as an *Exhibit for the Town*, specifically due to the testimony given by Mrs. Day and others relative to this matter. Mr. Pandula did, in fact, accept them.

Mr. Wes Blackman introduced himself and discussed his credentials relative to Mar-a-Lago and preservation, in general. He stated that the two other items listed on the agenda, landscaping and lighting, are still being finalized. As such, both these items will return to the commission at a later date. Mr. Blackman began his presentation with a review of certain Mar-a-Lago projects which have come to the LPC over time. He offered a copy of Certificate of Appropriateness

① #47-93 regarding paint and trim colors, and restoration of the existing crests, and entered it into the record as *Applicant's Exhibit 4*. He read the Certificate of Appropriateness into the record. Mr. Moore noted, for the record, that staff has not had an advance opportunity to review the documents submitted as Exhibits today. Mr. Blackman continued his presentation by reviewing the abundance of crests which already exist at Mar-a-Lago, some of which bear a word or an inscription. He commented that the crests provide a sense of permanence, lineage and royalty. Mr. Blackman submitted a 94 page notebook (*Applicant's Exhibit 5*) illustrating the commonly existing examples of cartouche, crests, identifying flags and ornaments in the Town. He reviewed the notebook with the members, page by page, indicating the address of the architectural feature, whenever possible, and describing same. Mr. Blackman made particular note of the identifying flags appearing at the Society of the Four Arts, the Beach Club, the Palm Beach Country Club, and the Bath and Tennis Club, which are neither national, state, or town flags. In that spirit, Mr. Blackman displayed a flag for the Mar-a-Lago Club, which he held would be appropriate according to apparent town standards. If the Mar-a-Lago Club chose to fly the flag, it would merely be in keeping with the other clubs in town. In conclusion, Mr. Blackman stated that the request for 3 cartouche at the beach cabanas is consistent with the LPC Ordinance, Section 54-122 for new construction.

① Mr. Frank noted that the name of a family is never used on heraldry or crests, but the family motto may appear there. Additionally, the examples Mr. Blackman showed in *Exhibit 5*, the notebook, were not gilded cartouche. Mr. Blackman responded that gilding is customary at Mar-a-Lago, and would be expected on the crests. Staff had noted previously that there was a new crest above the window on the east facade of Mar-a-Lago, itself, which was never approved. Mr. Blackman maintained that this particular crest has been there for seven or eight years and had not presented a problem until the subject of the beach cabana crests came to light.

① Mrs. Vanneck commented that while heraldry may be appropriate on the beach cabanas, the addition of "TRUMP" is not. Mr. Pandula felt that the crests are out of scale with their surroundings, but he had no problem with the name on the crests. He preferred that the colors be toned down on the crests. He noted that they should have been presented on a 1/4" building elevation to ensure appropriate review. In addition, Mr. Pandula commented that the number of yellow striped awnings, together with the crests, create a "critical mass of goldness" at the site. Mr. Segraves, having visited the site, thought that the crests are a lot brighter than the photos demonstrate. He suggested that the level of gilding on the Trump crest above the window and the crests at the cabanas be reduced to match the gilding on the restored Davies crest to create a patina. He requested that the crest on the south cabana be reduced in size or removed. Mrs. Hoffman objected to the name on the crest commenting that it cheapens the effect of the crest; that it has a commercial look with the name on it; and, that it is not befitting of all of the wonderful work which has been effected at Mar-a-Lago. She suggested that the crests might read "Mar-a-Lago" instead of "TRUMP." Mrs. Wilkey called for a compromise relative to the size and brightness of the crest and the name on the crest. Mr. Pym commented that his study and work with coats of arms in the jewelry business revealed no coats of arms bearing the owner's name. If the crests did not violate any code provisions, however, Mr. Pym had no objection. Mrs. Victor's point of view was different in that she liked the gilding, size and ornamentation of the crests. She suggested that the name be shaded so it is not so prominent.

① Mr. Royce was unable to answer for Mr. Trump at this time with regard to whether he would consider any compromise on the issue. He mentioned, however, that the LPC has full review

power for any signs under the LPC's jurisdiction. As for these crests, Mr. Royce thought the case had been made that the crests meet code, are appropriate, and are not out of scale. Mr. Blackman's testimony showed a wide profusion of all kinds of cartouche, flags, signs, etc. that appeared with or without approval. Since many of them were erected without approval, the Town has been permissive in this matter, and perhaps may have regarded them as unimportant. Mr. Royce wondered, since Mr. Trump had received a letter from the Code Enforcement Board relative to the crests, if this was a case of selective enforcement. Mr. Royce added that to suggest different verbiage on the crest may raise 1st Amendment issues. (Mr. Randolph later agreed with him on this point, advising the LPC that any action should be content neutral.) Mr. Royce advocated approval of the crests, as presented, recognizing that not every aspect of them may be perfect, but they are nonetheless acceptable. Mrs. Vanneck and Mrs. Hoffman urged for a compromise on the gilding and the size.

There was a break at 11:33 a.m. The meeting re-convened at 11:46 a.m.

Mr. Royce submitted Chapter 54 of the Town of Palm Beach Code of Ordinances as *Applicant's Exhibit 6*. *Applicant's Exhibit 7* is Section 134-2372 of the Code of Ordinances, and *Applicant's Exhibit 8* is Section 134-2402.

MOTION BY MRS. HOFFMAN TO DEFER THE LANDSCAPING AND LIGHTING TO THE JUNE MEETING.

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

MOTION BY MRS. HOFFMAN TO DEFER THE CRESTS FOR COMPROMISE TO BE REACHED WITH THE APPLICANT AND THE CHAIRMAN.

MOTION SECONDED BY MRS. VANNECK.

During discussion, other members present expressed a desire to handle this matter today, even if conditions were applied to an approval.

MOTION WITHDRAWN BY MRS. HOFFMAN.

MOTION BY MR. SEGRAVES TO APPROVE THE CARTOUCHE OR CRESTS WITH THE FOLLOWING CONDITIONS: 1) THAT THE GILDING OF THE CRESTS IS TO MATCH THE GILDING ON THE RESTORED DAVIES CREST ON THE TOWER, WITH THAT MATCHING TO BE REVIEWED BY THE CHAIRMAN; AND 2) THAT THE CREST ON THE CHIMNEY OF THE SOUTH CABANA BE MADE SMALLER, WITH APPROVAL OF THE SIZE AS DETERMINED BY THE CHAIRMAN AND STAFF PURSUANT TO AN ARCHITECT'S DRAWING OF SAME.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #2-2003 (deferred from February)
Relocation of existing landmarked house and construction of new single family dwelling

Owner: First Allied Jacksonville Corporation

Applicant: Malcolm and Linda Glazer

Address: 1200 South Ocean Boulevard

Architect: Bridges, Marsh & Carmo

Project Description: Request approval of the following:

1. Relocate the main elements of the landmarked house westerly of the Coastal Construction Line (includes new foundation for increased stability)
 2. Demolish some existing ancillary structures/elements
 3. Paint the Mizner house with a color typical of the Mizner period
 4. Relocate the house on an elevated site and create a driveway turnabout with gravel
 5. Replicate the fountain which is currently located on the north property line wall, at the westerly end of that wall, to relate to the relocated house in the same way as at present
 6. Replicate the existing western garden area
 7. Establish a lawn on the east side of the relocated house to create an appropriate space to preserve the spacial integrity of the relocated house relative to the new house
 8. Create a new entrance to the property to provide a better opportunity for the public to see at least a portion of the relocated house from the street
 9. Design a new house to be reviewed by the Landmarks Preservation Commission to ensure compatibility with the landmarked structure
 10. Other associated changes as presented
- And*
11. ***Conceptual Review ONLY: To leave the landmarked house in its existing location, and to revitalize same, and to add to the existing landmarked house.***

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS

At the February 2003 meeting, there was a motion for deferral to the May meeting. Please note that the architect has requested an additional deferral to the July meeting.

MOTION BY MRS. WILKEY FOR DEFERRAL TO THE JULY MEETING.

MOTION SECONDED BY MRS. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

Mrs. Victor noted that the seawall at this property is in disrepair, and she did not want this property to go into demolition by neglect.

D. Application for Certificate of Appropriateness #12-2003,
Landscape/Hardscape

Owner/Applicant: CSC Brazilian LP

Address: 301 Australian Avenue

Landscape Architect: Mario Nievera

Project Description: Request approval of landscape and hardscape for courtyard, pool area, pergola and main entry, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Victor stated that she had been on the site.

Mario Nievera, Landscape Designer, presented this request. He began with the addition of a small pedestrian opening in the middle of the canopy to facilitate persons walking into the front door of the Brazilian Court. All of the existing palms and trees will remain on site, but the shrubs, ground covers and small trees will be revised, per the submitted plans, to create a tropical look with lower maintenance. All schefflera will be removed. At the front, hedges will be broken up with terracotta pots planted with clipped citrus, if possible, or flowering trees. Undulating plantings will be placed at the front entrance and windows to create a lush, tropical view from inside and out. Mr. Nievera gave an overview of the landscape material to be used at the site.

As for hardscape, salmon colored bricks will be introduced as a border to the random cast stone walkways. Mr. Nievera reviewed the paving in both the south and north courtyards. In the north courtyard, the previous perimeter experience will be changed so pedestrians will have to enter the courtyard, experiencing the lawn accents with central fountain. Layered plantings will occur in the north courtyard, creating privacy for the hotel units facing the courtyard.

At the pool area, the pergola, once contemplated, has been abandoned. An alley of palms will flank the 48' long pool. A spa will be placed in a corner garden.

At the Brazilian Avenue entrance, tall palms will be planted leading into the north courtyard.

**MOTION BY MRS. VANNECK FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. HOFFMAN.**

Mrs. Victor mentioned that the paving already being installed in the south courtyard does not look like the paving shown on the plan being presented today, and the paving height is being elevated. Mr. Adam Schlesinger, of the Brazilian Court, stated that a sample was put in place to see what it would look like, but no true installation has been begun.

**MOTION AMENDED BY MRS. VANNECK ADDING THE CONDITION THAT STAFF
WILL ENSURE THAT THE INSTALLATION OF THE CAST STONE AND BRICK IS
APPROPRIATE AND NOT TOO HIGH, AND NOT TO RAISE THE CAST STONE TO
MEET THE LEVEL OF THE BRICK.**

AMENDED MOTION SECONDED BY MRS. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #13-2003,

Changes to windows and doors

Owner/Applicant: Caroline Seymour

Contract Purchaser/Applicant: Richard & Jeannie Pearman

Address: 2 Major Alley

Architect: Bridges, Marsh & Carmo

Project Description: Request approval of the following:

1. Three windows along Peruvian Avenue to be replaced to match other existing windows on the structure
2. Removal of courtyard sliding doors; replace with two sets of French doors
3. Remove existing secondary entrance door to alley
4. Install new set of French doors at existing courtyard bay
5. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Architect Digby Bridges presented this request for primarily window and door replacements. Windows which are appropriate and suitable for repair, however, will be repaired rather than replaced. Inappropriate жалuѕies will be replaced with double and single hung mahogany windows. New windows will be hurricane proof wherever possible to eliminate a need for shutters. An inappropriate door along Major Alley will be removed, and an inappropriate aluminum window will be replaced with french doors. Mr. Bridges noted that the chimney may have to be taken down and re-built, depending on its structural integrity.

**MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

F. Application for Certificate of Appropriateness #14-2003,

Addition and miscellaneous changes

Owner/Applicant: Mr. Bill Elias

Address: 345 Brazilian Avenue

Architect: Island Designs Inc.

Project Description: Request approval of the following;

1. Exterior renovations to include repair and replacement of wall and roof shingles and windows.
2. Re-configure existing ground floor and second floor plans (interior)
3. Re-configure existing ground floor rear porch addition, add approximately 30 square feet ground floor area.
4. Extend & re-configure second floor rear dormer into gable with 2 dormers
5. Re-configure existing guest house floor plans and elevations
6. Modify hardscape layout
7. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Pandula stated that he had spoken with the owner and the architect. Mrs. Victor visited the site.

Architect John Bellamy of Island Designs presented this request. Mr. Bill Elias, the owner, was sworn at this time. Mr. Bellamy described the home as a 1910 two-story Bungalow style home, currently existing with three dwelling units (a main house with an apartment and another apartment in the rear building), which will be modified to a single family dwelling with guest quarters in the rear. There will be no change to the front facade or the pool, and no variances are required for the project. The bulk of the changes will be evidenced in the rear of the property where the ground floor has been indented on both sides to meet setback requirements, together with a 30 sq. ft. addition on the back edge of the main house. On the second floor rear, a large dormer and balcony will be added. The rear elevation evidences changes adapting the home for modern use, the addition of a kitchen and family room downstairs and a new master suite upstairs. Wall shingles, applied in an alternating full/half manner, will be yellow, and the trim color is white. Existing asphalt roof shingles will be replaced with an asphalt composition shingle, high-profile, three dimensional type in a slate color. Windows will be changed from double hung to impact resistant casements, i.e., white clad wood windows. The cabana/guest house, (now a rental with a kitchen), will basically be gutted and re-built on the same footprint and meeting setbacks. The shell may or may not be retained. The building will have a shingle style look in keeping with the main house. A new fabric awning on the cabana/guest house will face the rear of the main house. As for the site, itself, there will be a new U-shaped driveway in the front of the property.

MOTION BY MRS. HOFFMAN FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED, 6-1, WITH MRS. VICTOR VOTING AGAINST AS SHE DID NOT BELIEVE THAT THE NEW REAR DESIGN HAD ANYTHING TO DO WITH THE FRONT, AND THAT THE SPIRIT OF WHAT WAS THERE WAS BEING LOST.

G. Application for Certificate of Appropriateness #15-2003
Fountain and lighting

Owner/Applicant: Town of Palm Beach

Address: Phipps Plaza Park

Engineer: James Bowser, Town Engineer

Project Description: Request approval of the following:

1. Remove existing deteriorated stone fountain, including retention of figure head in existing fountain
2. Install 1928 Addison Mizner fountain in same location, together with the refurbished figure head from the former fountain
3. Install light fixtures to illuminate the fountain
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Victor and Mrs. Hoffman visited the site.

Mrs. Delp administered the oath to Mr. James Bowser, Town Engineer. Mr. Bowser introduced Mr. Eric Brown, engineer with the Town's Public Works Department, who designed this project. Mr. Bowser noted that the new, donated Addison Mizner fountain will replace the existing Phipps Park fountain in the existing fountain location. There will be four ground mounted lighting fixtures around the fountain, together with a skirt of plantings.

MOTION BY MRS. VICTOR FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

VII Other Business:

- A. Reminder relative to scheduled date for appeal hearing before the Town Council relative to 455 North County Road

Staff noted that the meeting will be on Monday, June 9th at 9:30 a.m.
Commissioners were encouraged to attend.

- B. 1560 & 1562 South Ocean Boulevard - Informal review of landscape/hardscape on 1562 South Ocean Boulevard property serving 1560 South Ocean Boulevard

Mario Nievera, Landscape Designer, and Jacquie Miller, Attorney, presented this item informally. Mr. Frank noted that this plan had been presented to ARCOM and was approved at that time for 1562 South Ocean Boulevard, a non-landmarked property. The home at 1562 South Ocean Boulevard was approved for demolition, along with the construction of a new free-form driveway (on the 1562 property) to now serve the landmarked property at 1560 South Ocean Boulevard, and an extension of the property wall. Ms. Miller explained that there is a Unity of Title joining the two properties, however, the 1562 property is not landmarked. The question for the LPC was whether the driveway and continuation of the property wall to the south in any way would adversely affect the landmark. The consensus of the LPC was that the driveway and wall had no adverse affect on the landmark.

VIII Adjournment:

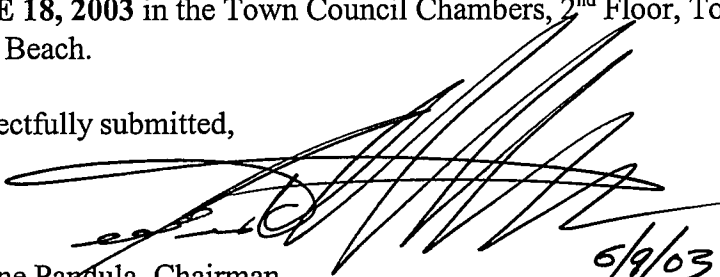
MOTION BY MRS. VANNECK TO ADJOURN AT 1:15 P.M.

MOTION SECONDED BY MR. PYMS.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be on **WEDNESDAY, JUNE 18, 2003** in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,


Eugene Pandula, Chairman
LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
Eugene Pandula	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Elizabeth Dowdle	<u> P </u>	<u> P </u>	(Term expired 3/03)									
Sari M. Wilkey	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ann Vanneck	<u> P </u>	<u> P </u>	<u> P </u>	<u> E </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ann Blades	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> U </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Jack Pyms	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Judy Hoffman	<u> P </u>	<u> E </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Patrick Segraves	<u> Alt. </u>	<u> Alt. </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
Wendy Victor	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
William Lee Hanley Jr.	<u> n/a </u>	<u> n/a </u>	<u> P </u>	<u> P </u>	<u> E </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Richard Krock	<u> n/a </u>	<u> n/a </u>	<u> E </u>	(Resigned 4/8/03)								
Mario Nievera	<u> P </u>	<u> P </u>	(Did not seek re-appointment)									

LEGEND:

P	=	Present
E	=	Excused
U	=	Unexcused
A	=	Absence Pending Classification as "excused" or "unexcused"



**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
Eugene Pandula	—	—	—	—	—	—	—	—	—	—	—	—
Elizabeth Dowdle	—	—	(Term expired 3/03)									
Sari M. Wilkey	—	—	—	—	—	—	—	—	—	—	—	—
Ann Vanneck	—	—	—	—	—	—	—	—	—	—	—	—
Ann Blades	—	—	—	—	—	—	—	—	—	—	—	—
Jack Pyms	—	—	—	—	—	—	—	—	—	—	—	—
Judy Hoffman	—	—	—	—	—	—	—	—	—	—	—	—
Patrick Segraves	Alt.	Alt.	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
Wendy Victor	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
William Lee Hanley Jr.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Richard Krock	_____	_____	_____	(Resigned 4/8/03)								
Mario Nievera	_____	_____	(Did not seek reappointment)									

LEGEND: V = One Voting Conflict during a meeting
 V2 = Two Voting Conflicts during a meeting
 V3 = Three Voting Conflicts during a meeting

VPD = Voting Conflict Previously Declared
 (This category to be used when a conflict has
 Been declared at a previous meeting, and the
 Changes being reviewed are part of an ongoing
 project. ONLY COUNT ORIGINAL DECLARED
 CONFLICT PER JCR, TOWN ATTORNEY)

