

TOWN COUNCIL MINUTES OF SPECIAL MEETING ON MAR-A-LAGO HELD

ON MAY 13, 1993

I. CALL TO ORDER AND ROLL CALL. The Special Town Council Meeting of the Town Council of the Town of Palm Beach was called to order by President Weinberg on May 13, 1993 at 9:32 AM in the Town Hall Council Chambers.

Roll Call

President Weinberg welcomed all in attendance, and stated the purpose of this meeting is to hear the Special Exception No. 11-93 on the Mar-a-Lago Club, and emphasized a special exception must require with all of the requirements of the Zoning Code and must be had for the conversion of Mar-a-Lago into a Club. He pointed out this is a special exception application, not a variance, therefore, no hardship need be demonstrated. He advised if the criteria for a Special Exception are met, it must be granted and cannot be denied as a discretionary matter.

Mr. Weinberg outlined the procedure for the meeting, indicating they would take a lunch break at Noon and reconvene at 1:30, then will stop the proceedings at 5 PM, and if they have to go on, a time certain will be announced for the continuation of this meeting. He announced all persons who address the Council must be sworn in by the Town Clerk. The Town Clerk then administered the oath to those who intended to address the Council.

Mr. Weinberg laid out the procedure - the applicant will present his case; the public will be permitted to comment and ask questions; the Town staff will give their reports; the applicant will have a further opportunity to comment; the Town Council will then go into Executive Session with the assistance of the Town Attorney. He advised the meeting will be conducted under Section 268 of the Palm Beach Code, and all comments will be made through the President. He urged all persons addressing the Council to be brief and not be repetitive.

On roll call, the following Elected Officials were found to be in attendance: Mayor Ilyinsky, President Weinberg, President Pro Tem Wiener, Councilwomen Douthit, Smith and Royal. Also attending were Town Manager Doney, Town Attorney Randolph, Mrs. Peters, Mrs. Martinuzzi, Mr. Moore, Mr. Zimmerman, Mr. Frank, Mr. Wandell, Mr. Dusey, Chief Elmore and Chief Terlizzese from the staff. Also attending on behalf of the Town were William Brisson from Adley, Brisson and Engman, the Town's Zoning Consultants, and Mr. A. Jeffrey Weidner, of Frederick R. Harris, Inc., Traffic Consultants.

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was given by Mrs. Peters. Pledge of Allegiance was led by President Pro Tem Wiener and recited by all.

Invocation

III. APPROVAL OF AGENDA: Agenda was approved as printed on motion of Mrs. Smith. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

IV. COMMENTS OF THE MAYOR: Mayor Ilyinsky welcomed all in attendance, He stated they are about to engage in the evaluation of a proposal for one of the most important properties in the Town, and possibly in the United States of America and the world. He noted there are those who have long regarded Mar-a-Lago as a permanent landmark and are convinced that its purchase price and maintenance costs are part of the privilege of owning this splendid piece of land. He commented that as in the past when the Council was petitioned by owners or potential owners regarding alternate uses for this property, they have spent hours in long and careful review, and the proposal before them also has been vigorously explored. He believed many hours will go into the deliberations of this Council and all sides will be heard and every effort made to secure a consensus and an acceptable solution. He commented it would be his fervent prayer that the contemplated fate of Mar-a-Lago will be decided with as little damage as possible to all reasonable men and women.

Comments
of the
Mayor

Mr. Paul Rampell addressed the Council, stating it was his honor and privilege to be speaking to them today on this prestigious property, and he thanked the literally hundreds of Town residents, neighbors, local and out-of-state preservationists, neighbors, architects, traffic engineers and others who have contributed to the Mar-a-Lago Club as a Special Exception Use and as a plan to preserve this estate.

He hoped they would favorably rule on the application and announced those who would be making presentations:

Gene Pandula, architect specializing in preservation;
Gene Lawrence, architect;
Joe Pollock, traffic engineer;
Jack Barr, traffic engineer from Tallahassee.

He advised their qualifications have been filed with Mr. Moore.

He noted Attorney Alan Ciklin is his co-counsel.

He introduced Donald Trump, the applicant.

Donald Trump addressed the Council thanking them for the opportunity and stating if he could leave one legacy to Palm Beach, it would be the creation of a non-sectarian Club, and with that statement, he will leave the experts with what they have to say.

Mr. Rampell advised in about 1980, after seven years of holding the property and allowing it to deteriorate, the U. S. Government returned Mar-a-Lago to the Post Foundation. He referred to several newspaper articles on Mar-a-Lago. He recalled in 1980, he had a conversation with a friend named Bob Wycoff, and mentioned to him that it was his thinking the best use for this property would be to convert it into a private social Club. He stated this was before Mr. Trump had anything to do with the property.

Mr. Rampbell noted the problem with Mar-a-Lago is that there is a triple maintenance burden, as it is over 75,000 square feet. He stated the second problem is it is oceanfront, which make it difficult to maintain due to the corrosive effects of salt air.

He advised the third problem is it is a landmarked property and maintenance involves restoration each and every time. He made the statement that Mar-a-Lago cannot be preserved forever as a single family home.

He recalled Marjorie Merriweather Post was a woman of unparalleled wealth who was able to afford it, but she did not provide for its maintenance into perpetuity. He recalled there have been a few people interested in owning it, as when the Post Foundation attempted to sell it from 1980 to 1985, over 80 pre-screened qualified buyers visited the property, among them Ross Perot. In 1985, Mr. Ross came along and made an offer and the Town signed a contract with him anticipating his ownership, but he was unable to go through with the deal, which illustrates the fact that even if an individual is the owner, that individual may become insolvent and unable to pay the bills of this triple maintenance burden. He believed the reality is any individual will eventually pass away and we will end up with the same problem that they had in 1980 and that is what they are trying to solve now. He felt if another individual were to be found to buy it, they would face the problem that the estate would be subdivided or even an individual without an appreciation of historic landmarks, would try to have it de-landmarked, like the Anthony residence was and then was razed.

He thought some of the Council may be familiar with the condition of the Bolton Estate, which has been undermaintained and it is the opinion of one architectural expert that every year that goes by, it declines and will make it impossible to afford repair, if someone comes along and wants to do so.

He commented that the challenge before them is shifting this maintenance burden from one individual to a group. He stated the first group that tried were U. S. taxpayers, as Mrs. Post devised the property to the Federal Government who were unable to make a use of it. He stated as a Presidential retreat, it was too difficult to secure as two of its boundaries are water and air traffic overhead posed a security risk. He told of the National Park Service who administered the property using a minuscule budget and who investigated the possibility of converting it into a museum which Mrs. Post personally thought would be an anathema. He stated the determination was made that over 70,000 tourists would come to Palm Beach to travel through the property.

He advised a second alternative group to bear this expense would be a charitable organization but he thought if the Post Foundation was unwilling or unable to keep and preserve the property, he knows of no other eleemosynary organization that would step forward and bear that burden.

He advised another alternative in shifting the burden from one individual to a group would be to condominiumize the property, and it is possible since the interior is not landmarked, to totally gut the interior and create a series of condominium units, but it may be impossible under the Town's Zoning Code, but thought it would be a crime to destroy the interior of this property.

He stated another way to shift from one individual is to create a subdivision and that was tried, but there was a lack of community support for that idea and in two respects, it didn't accomplish the purposes which he thought were crucial and they were preserving the grounds and it creates no mechanism by which revenues can be generated to afford the maintenance of the mansion itself.

He stated by process of elimination, he thought a private social club will work as there are precedents. He noted there are many other clubs in Town, almost all of which were doing well, and they are popular and are an accepted community use. He stated moreover, this property was Mrs. Post's private club as there are ten guests rooms, a ballroom where weekly square dances took place, a nine-hole pitch and putt golf course and she used the property for the purpose it was designed, for entertainment of groups of people.

He has done research on this and found in the New York Times, dated 12-19-29, E. F. Hutton gives circus in Florida and entertained several hundred friends with a show on the Palm Bach Estate. He recalled in 1982 a benefit held there by the Preservation Foundation sold out tickets for a ball for 500 people.

He believed by converting it into a private club they accomplish two critical objectives - first, it will be preserved; and second, the property will be shared again by Town residents. He advised fifty per cent of the membership of the Club must be Palm Beachers and those two objectives in his opinion are the answer as the maintenance burden would move to a reasonable group.

He exhibited an aerial photograph of Mar-a-Lago before it was converted to a private club and after it was converted to a private club and they are the same exact photograph.

He realized there was no support for the idea of converting Mar-a-Lago into a subdivision among Palm Beachers, and he has hundred of letters from Palm Beachers who are in support of this conversion. He stated many people for one reason or another are unable to join any club in Palm Beach. He advised he has received a large check to reserve a membership by one gentleman which he has returned.

He advised that after canvassing as much input as he could, he compiled the club proposal. He sent drafts of this to the Council about four months ago as well as to the State of Florida Bureau of Historic Preservation; the National Trust for Historic Preservation; Preservationist Donald Curl, local historian; Preservation Foundation of Palm Beach and other people in Town and out of Town, individuals and groups numbering over 50.

He stated the plan has gone through multiple revisions and their final and formal club proposal is the result of contributions from many, many people and has sought to arrive at a consensus of a Club which will appeal to as many people as possible and has responded to each and every reasonable suggestion made to him.

He stated they have prepared an addendum to the original plan to respond to all of the requests from Town staff. He stated the club operation itself he developed from those corporate documents and those rules and regulations from the other Town clubs. He reviewed them carefully

and ended up using primarily the rules and corporate documents of the Bath and Tennis Club which is located across the street from Mar-a-Lago as he thought those were the most appropriate.

He showed an application for Special Exception 7-93, which was one page and was submitted by Attorney Frank Chopin.

Spc.Excep.
7-93

He introduced Gene Pandula, preservationist architect. Mr. Gene Pandula addressed the Council, gave his background, indicating his specialization is historic preservation in which he has a master's degree. He viewed the proposal that is before them as a positive opportunity. He stated preservation used to simply deal with preserving the pristine beauty of an individual structure and it used to be praise worthy to merely save an old building but that is no longer the case as today retention of social, economic, functional and aesthetic values is also required. He stated Palm Beach is one of the few towns in the country that has been able to hang on to its original intent and character for such a long period of time. He felt Mar-a-Lago was not necessarily an architectural style but a building that has spanned a time span between World War I and the Great Depression and they have an opportunity to save a little bit of that era. He advised that Mr. Trump has restored the building to its original splendor. He advised that unlike the land which nature can eventually reclaim, buildings in our environment are physically and historically irreplaceable.

He believed the adaptive use of Mar-a-Lago into a private club is an extraordinarily sound concept and the sweet irony is this use will be no different than it is right now. He stated the entry foyer will still be an entry foyer and living room will still be a living room as will the dining room and so on. He advised the basement will be changed to become a Health Club. He stated this is a preservation plan that works and works well and the reuse will not negatively impact the buildings or its grounds.

He gave examples of adaptive use as private clubs:

Epping Forest Yacht Club created from the estate of Alfred I. DuPont;

Sleepy Hollow Club created from the residence of Elliott F. Shepard;

Englemar Club from the home of William Carson;

Mamarona Beach Cabana and Yacht Club - formerly the Osborne House;

Lotus Club - former home of Maria Louisa Vanderbilt Shepard.

Examples
of adaptive
use of
private
clubs

He has carefully reviewed every room within the building and finds that every applicable building code, life safety code and handicapped access code can be and will be met, without any exterior remodeling. He stated any work required to be done will be accomplished in strict accordance with the historic preservation guidelines established by the Secretary of the Interior of the U.S. Dpt. of Interior which were originally created in 1973, and were formulated to provide an avenue of guidance for projects specifically like this.

He advised to further insure that preservation remains the main focus of this plan, preservation easements for the exterior facades of the building are primary elements of this proposal and that is an insurance policy that the exterior facades of the building will remain forever. He advised interior spaces of landmarked structures are not protected under landmarking statutes, however, interior preservation easements for every primary space of this building are also a primary focus of this proposal and this will be an opportunity to preserve not only traditionally, the exterior of the building, but a huge opening to preserve the interior of the building and he viewed that as a significant commitment to the long term preservation of this structure.

Preserva-
tion

He noted that preservation through the years, even as it has matured and become a recognized professional endeavor, remains in many cases as an eleventh hour activity, as it usually involves frantic actions on short notice to save something of importance and these are all too often ignored. He felt this project short circuits that by putting in place a commitment today that will allow them to get ahead of the curve of future unknown conditions and circumstances. He stated that instead of being at the effect of future unknown circumstances, a framework will be in place to insure a specific result in the future. He stated if their actions as a community are consistent with their stated goals and values of preservation, this is a preservationist's dream.

He hoped the process will not take precedence over the substance of their proposals as preservation is one means towards a better physical environment and the safeguarding aspect to accommodate cultural capital of a specific kind and that is architecture. He felt their approval of this project will be farsighted and enlightened, but it will be well rounded in the theories, principles and practices of historic preservation that were developed to apply to projects like this and have been time tested to be successful over decades of specific use and he requested their support of this project.

Mr. Rampell introduced Gene Lawrence, architect, who knows more about Mar-a-Lago than anyone alive and who was recently voted the most distinguished architect in Palm Beach County.

Gene
Lawrence,
Architect

Eugene Lawrence addressed the Council stating he was asked to make the determination of whether Mar-a-Lago would be functional as a Club, and to specifically look inside the building to see if this would work as a Club and if so, what price would that work be, and the first thing he had to do was to get the building on paper as no drawings existed of the building as it now is. He advised they recorded the building both photographically and on drawings to be able to evaluate its function. He advised they also did a considerable amount of research into the history of the building and the way it had been conceived, designed and used; and thirdly, was to say what are the functions that would be inherent in a private club and how could they be accommodated within the building. He stated they divided those into four separate dimensions and would like to show how this would work as a Club and what the effect of those functions are.

He exhibited a drawing of the first floor of Mar-a-Lago, explaining the reception hall will remain as same; the living room will also and this will be where people sit with their guests for a drink before dinner or coffee after dinner. He stated the dining room will be the primary dining

room and seats approximately 60 people. He noted the library will be used for private functions together with the ocean side terrace with a porch.

He noted the patio has been used for special functions in the past and will accommodate between 200 and 350 people. He advised the framework of what is there now will have virtually no change in the layout as they believe they can accommodate the social functions anticipated for a Club.

He stated the next dimension will be the recreational aspect of the Club and the pavilion which Mrs. Post used for square dances and parties and entertaining will be used for precisely the same thing.

He felt the pool that is there is adequate for a Club of this size and type.

He noted under the north crescent leading into or under the first floor will be the mechanical spaces. He recalled this was a cold bin, an ice room, a boiler room and that's where there will be a major change to provide a world class spa. They will have massage rooms for men and women, steam, sauna, exercise, and it will be a first rate recreational facility. He showed a site plan which indicated the pavilion, the pool, the spa, the tennis courts which exist, the Par 3 golf course and a walk through to the ocean to give access to the beach. He felt they had a full package within the facility as it now exists.

He stated the next dimension is the residential dimension of the Club and he showed the master suite, which is now over the porte cochere. He commented that the second floor contains another series of guest rooms, the Dutch room, the Portugese room, the Venetian sitting room, the Spanish bedroom, the Adams room and the American room. He thought this was a big asset as a club to have places for members to stay during the season.

He thought most importantly were the functional aspects of the club and while it might be nice, will it really work? He showed the plans of the kitchen, the staff dining and the pantry. He has done about 40 restaurants and he thought very few of them had kitchens or staff facilities as large as what is at Mar-a-Lago.

He referred to parking and stated he has divided this into three categories. He stated there will be parking on paved areas which now exist, as by the porte cochere and by the garage and the staff quarters to the north, and this would accommodate a total of about 68 cars. He stated at the playground area, they will be putting in grass block and parking and this would accommodate 44 cars, for a total of about 112 cars. He thought for special events under what's now just sand under the canopy to the south, they could accommodate an additional 140 cars, so they would have the ability to park approximately 250 cars.

He stated there is a product called Grasscrete and he thought they would be able to leave the grass on the surface and stabilize the base so that the cars can cross at a crossover with a cart path. He thought the special events would be perhaps 2000 to 2500 trips a year, whereas the average city street takes about 6000 trips per day, so he thought the Grasscrete could survive that.

He finalized his comments by stating they really didn't have to convert Mar-a-Lago to a Club as it is a Club, and they are essentially going to be able to use it inside and out without major modifications. He didn't believe they would be using the building in any greater capacity as it has been used and which it is being used. He stated they would have to make no changes to the outside.

Mr. Rampell knew the subject on everyone's mind is whether this will cause too much traffic and he did not think it would. He stated they have analyzed this problem with the utmost intensity and will scrupulously stay within the limits, within the amount of traffic to which Mar-a-Lago is entitled under both the Town of Palm Beach's traffic requirements and the Palm Beach County's traffic limitations. He stated for \$325,000 a year in annual real estate taxes, they thought a certain number of trips should be allocated to Mar-a-Lago and they will stay exactly within those limits.

Mr. Rampell introduced Joseph Pollock, a traffic expert. Mr. Pollock addressed the Council indicating he was a principal with Kimley-Horn & associates and has 23 years of experience in traffic engineering and transportation planning and was retained by Mr. Trump to prepare a traffic evaluation analysis of the Club at Mar-a-Lago. He stated the club as proposed is unique and there will be none other like it and that would apply to even the Bath and Tennis Club. He stated since the Club will be of a unique standard, trip generation rates and equation do not exist from standard sources such as the Institute of Transportation Engineers or the Town or the County. He advised since the Club will be unique, they could not conduct trip generation or traffic studies at other Clubs and use that information to apply to this Club. He advised as a consequence, they projected traffic activity for the Club based upon the facilities at Mar-a-Lago, that is the number of guest rooms or suites, the dining area seating, the number of employees and service vehicles anticipated, other uses such as the tennis court, the nine hole pitch and putt golf and the beach.

He indicated the projected traffic activity of the Club has been reviewed and accepted by both the Town staff and the County staff, who have indicated that the Club complies with both the County's and the Town's traffic concurrency and traffic performance standards requirements.

He advised to meet the County's requirements, the Club would need to utilize a shuttle to transport 40% of the employees to the property. He noted the Town staff's determination on the concurrency is documented in Mr. Weidner's letter to Mr. Frank dated May 7, 1993 and in Mr. Brisson's letter to the Town dated April 14, 1993. He commented the County's determination on concurrency is documented in Mr. Charles Walker's letter dated March 30, 1993.

He reported the access to the Club will be from Ocean Blvd., and service and staff will access the property from Southern Blvd. He advised the Club will employ off-duty police officers to control the traffic at the entrance and exit on Ocean Blvd., noting both the Town and the County staff have indicated a desire for a northbound left-turn lane to be provided on Ocean Blvd. He thought if the Town Council deems that that is appropriate, the Club will add pavement to Ocean Blvd to accommodate this turn lane, assuming that the Florida Department of Transportation (DOT) will issue the permit. He didn't believe this widening was absolutely necessary for the Club to function properly, but agreed to do it, as it will reduce the delay to northbound traffic on Ocean Blvd.

Joseph
Pollock,
Traffic
Expert

He reported they are proposing from an access perspective for the Club to utilize the existing entrance, the main entrance, as one way inbound access entrance only, and the exit is proposed to be at the existing service entrance to the north and this would be used by the Club members and their guests, as exit for staff and service people would be on the Southern Blvd. He noted the staff of the Town and the County have requested a turn lane be provided there also and he believed that could be constructed within the existing road right-of-way.

Traffic
Expert

He proposed two lanes of traffic into the Club approaching the porte cochere. He understood and agreed that the gate is only wide enough for one vehicle to enter at a time, but once the vehicles are onto the property inside the road, he believed it was sufficient width to accommodate two vehicles and with the path, they can have two valet drop points.

He thought the exit proposed was of sufficient width that two lanes of traffic can exit at the same time or move towards the exit, but here again the gate is only wide enough to allow one vehicle to exit. He believed the control would be to have both these locations covered by off duty police officers such that there would be minimal delays to traffic on Ocean Blvd. He thought the key to the entry working smoothly and effectively is the valet operation and that is why they proposed to have two lanes and two valet drop operations and there would be adequate valet staff to accommodate the demand.

He commented there is sufficient stacking space inside the gate in the two lanes of entry to accommodate over 20 cars and he believed that that was adequate for club activity during the day and evening and sufficient to handle the special events.

He noted the Southern Blvd. would serve as the service and staff entry and exit and is used today by some staff and for some service delivery and garbage truck activity, and they proposed to continue that.

He recalled the concern expressed about the exit maneuver out of this existing gate on Southern Blvd. and if the Town desires to address that, the Club is willing to construct or provide an additional gate out of the property to accommodate the exiting vehicles, and it will be architecturally compatible with the existing gate.

He stated the most discussed item is the traffic that would be associated with the Special Events and they have discussed this with the Town staff. He didn't believe this activity would be before 6 PM typically or probably not until 7 PM or later as they occur on weekends, and these are times when traffic volumes are somewhat reduced. He stated the seating capacity for special events would be a little less than 400 people and they know that associated with that level of activity would generate approximately 200 cars and they would have adequate parking on site.

He felt the key to the entrance working smoothly is the number of valet attendants and the two lanes coming into the porte cochere for drop-off and the way that they would operate the entry for a special event. He stated once the passengers have exited, the valet parkers would take the cars to the final destination for parking. He stated they would need a large group of valet parkers to keep the area relatively clear of congestion and keep the traffic from backing up or from stacking or backing up onto Ocean Blvd. He reiterated the Club will know what the anticipated attendance will be at the particular functions and can provide an adequate number of valet attendance to accommodate that. He believed the exit for a special event would operate in a slightly different manner than the entry, but still the valets would be used. He noted the actual vehicle pick-up by the member will occur north of the porte cochere and a doorman would take the ticket from the guest and radio that vehicle number to a coordinator in the parking area and a parking attendant would be sent to retrieve the car and bring it to the pick-up area where the owner would enter the car and exit out to Ocean Blvd. He reiterated the exit will be manned by an off-duty police officer, as will the entrance. He noted the exiting will be occurring at hours when the traffic volumes would be low.

Mr. Pollock believed that the proposed access plan and traffic management plan for the Club was adequate to meet the anticipated traffic activity of the Club with minimal delays and interference to the traffic on Ocean Blvd.

Mr. Rampell addressed the Council advising that traffic experts do disagree and with that expectation, he would like to introduce John W. Barr, another traffic expert with 40 years of experience who rendered an opinion for the applicant independent of Mr. Pollock's, using a completely different methodology.

Mr. John W. Barr, President of Barr, Dunlop & Associates in Tallahassee addressed the Council, noting he and his firm were retained to provide traffic engineering services, specifically, to objectively review the facts, to analyze the traffic generation and its potential impacts and to provide candid advice regarding the potential problems and the effectiveness of the proposed solutions to those problems. He examined the County's Performance Standards, the Town's Comprehensive Plan, and reviewed traffic counts taken at the peak of the season by Heath & Schnars and by Tipton and Associates and found it to be at level of Service "D" or better, during this past peak season. He stated there were some days in the peak hour of the afternoon that the level of service was at "C". He reported the adopted standard level of service for Ocean Blvd. is level of service "E", so there is reserve capacity. He stated it is clear that this road is not now operating over capacity and will not be for quite a few years and certainly long after this Club opens and is in full operation, it will continue to operate under its capacity.

John W.
Barr
re:traffic

He evaluated the potential volumes of traffic which was estimated would be generated by the Club's activities on the normal daily basis and in the peak hour of the normal operating day. He agreed with the previous comments that this Club will be unique, but did believe that the logic and experience in estimating traffic generation of other facilities, enables him to estimate the traffic with confidence. He stated he did not use a method based on number of members proposed as he did not believe total membership is well correlated with trip generation, and not nearly as well correlated as the measures of the activities of the property which will attract people to those activities. He also did not use the methods used by Mr. Pollock but used a different and independent approach which made use of the actual measured trip generation rates that have been measured at resort hotels, tennis clubs and quality restaurants from research compiled by the Institute of Transportation Engineers.

He estimated a normal daily trip generation of the Club in the vicinity of three to four hundred vehicles per day averaging around 348 approximately on an average date. He recalled remarkably, this figure is very close to Mr. Pollock's estimate.

He advised he used the normal peak hour of that average day, daily operation to be in the vicinity of 30 to 60 vehicles entering and leaving the property on a normal day during peak hours, which equates to one in and one out every two minutes. He noted peaks will usually occur 6:30 to 7:00 PM, and sometimes later in the evening when Special Events are held or as even average daily events occur but they would not occur during the same hours on which the peak traffic is measured on Ocean Blvd., which happens at various afternoon hours, sometimes during the noon hour, sometimes mid-afternoon, but probably never after 6 PM in the evening.

He has recommended that no special remedial measures are necessary to handle the normal daily operations of ingress and egress to the property as operating as a Club.

He recommended monitoring to help determine what size of activities in the Club might not be called normal or that might be called Special Events which would trigger some special remedies to prevent any possibility of negative impacts on Ocean Blvd.

He thought a worst case scenario would be a Special Event when there would be a maximum need for police officer control, for internal stacking of vehicles arriving and for rapid and adequate valet parking service and believed that there should be plans made to handle as many as fifty to sixty vehicles arriving in a fifteen minute period.

He recommended the following measures to adequately handle this maximum peak scenario:

1. Employ at least one police officer with traffic control experiences for each entrance and exit;
2. Capacity be provided between the main entrance gate and the point at which valet parking service is provided, for at stacking of at least 20 vehicles;
3. Adequate valet services to remove the vehicles from the stacking area as rapidly as they arrive;
4. Adequate internal parking space on paved and stabilized areas be provided.

He felt if these measures are taken with proficiency, the traffic impacts of special events will be minimized to the extent that no significant congestion or hazards on Ocean Blvd. will occur.

Mr. Rampell summarized the subject of traffic, believing they have met the traffic requirements and will meet all of the suggestions that the Town's traffic expert has made. He noted there are two traffic opinions to the effect that they fully comply with the traffic limitations and will meet the county and Town traffic limitations.

He recalled a Preservation Day last year was celebrated at Duck's Nest at the Maddock property and over a thousand people attended and it did create a huge traffic problem, but this year measures were taken to avoid that problem when they limited attendance to the Preservation Day celebration and it was limited to 300 people. He knew a lot of people focused on the congestion that resulted at the reception following the speech Mr. Trump made at the Round Table. He thought they could look at that in two ways - negatively or positively. He has attempted to look at it positively to prevent the congestion from never happening again, by the different measures proposed by Mr. Pollock and by following the Town's expert's requirements. He noted there is a disagreement over whether or not there is any correlation between members and traffic, and informed the Mayor and Council the Palm Beach Yacht Club in West Palm Beach has about 3000 square feet, with dining for 90 people and a membership of approximately 1500 so it isn't membership alone that causes traffic, but is not the number of people who come to the property on any given day.

He read an affidavit from Jim Griffin, resident manager at Mar-a-Lago since 1946, noting that of all of the usages proposed for Mar-a-Lago, the private social club best suits its design, layout and purpose. He recalled witnessing hundreds of special and regular events at Mar-a-Lago and traffic has never been a problem, with the exception of the reception following the Round Table luncheon on Feb. 19, 1993. He stated cars and trucks have been driven across Mar-a-Lago for decades without any problems, and have entered and exited out of the existing gates without problems. He noted garbage trucks pick up the trash every day through the Southern Blvd. gate without any problem.

He read a second affidavit from Fred Furtado, owner of a valet service who has been involved in regular and special events at Mar-a-Lago. He stated on Jan. 27, 1993, his company provided valet service to Donald Trump for a party and he used 19 men and 2 off-duty police officers and parked 170 cars without any congestion, as was the case on Feb. 18, 1993 when a luncheon was held at Mar-a-Lago for the Palm Beach Historical Society. He stated on Feb. 19, 1993, when the reception was held for the Palm Beach Round Table, there was a problem as several hundred people left the Ramada Inn and travelled and arrived at the property at almost the exact same time. He stated through a misunderstanding the front gate was not opened until 2:30 when guests started arriving at 2:10 and many people unrelated to the Palm Beach Round Table attempted illegal entry onto the Estate and were turned away. He stated one driver parked his car in the front driveway and left. He stated many more guests arrived than he was told there would be, and he was undermanned, all of which caused the traffic congestion and it was a fluke. He stated special events can be handled without traffic problems, as they can use up to 25 men and one or two off-duty police officers, parking 200 cars in a half hour. He believed parking by valet will be faster if two lanes of incoming cars through the main driveway are arranged instead of the present one. He thought as valet attendants become more familiar with Mar-a-Lago, parking will be smoother.

Mr. Rampbell referred to property values in the areas surrounding Mar-a-Lago noting they have an expert opinion that they will not be injured and may be enhanced. He noted additional noise from the Club will be minimal or nonexistent and parking under the "canopy" will not hurt any tree roots.

He stated he has anticipated some questions and wished to state that Mar-a-Lago after it is converted into a Club will be owned by the Mar-a-Lago Club, Inc., a Florida Corporation. He stated the shareholders will own the Club and it will be run through a Board of Directors, who will elect

traffic

Affidavit
from
Jim Griffin
resident
manager at
Mar-a- Lago

Affidavit
from Fred
Furtado

officers. He stated the shareholders will be initially, Donald Trump and then any individuals who buy shares as equity club memberships. He stated when and if a majority of shares are sold, the holder of the majority of shares will control the Club. He stated Mar-a-Lago Club, Inc. will pay all bills but Mr. Trump will pay any deficit.

He knew a question would be what if the Club fails after a few years? He advised the Estate will revert to a single family home and the Town will be better off in at least two ways:

1. The subdivision lawsuit will be settled;
2. Permanent Preservation Easements will remain in place, and this would include the unprecedented interior easement.

Mr. Rampell explained what the definition is of a Preservation Easement - it is a very simple deed by which Mr. Trump conveys the control over certain aesthetic components of Mar-a-Lago to a charity qualified and capable of holding these easements, like the Preservation Foundation, which oversees the conservation aspects of the Estate and the components can't be changed, without the approval of the easement holder. He indicated this is a deed of scenic open space and architectural facade easement and he knows it is in good form, as he copied it from an easement deed that the first lawyer in preservation drafted, Mr. Chopin.

Preservation
Easement

He advised the easement must be given immediately because the application would be granted to the Mar-a-Lago Club, Inc. and would be given directly from Mr. Trump before the Club can begin operations. He believed if there was any difficulty with the form of easement, he was sure that he would be permitted to work out any details with Mr. Randolph.

He referred to the number of members the Club would have, noting it is difficult to determine exactly how many members there would be, but to answer that question, he would state 611 and that is what the Town traffic expert has in his written report. He noted the Articles of Incorporation state 500 shares, this number has no real bearing on members since every lawyer knows that the number of authorized shares can be increased or decreased. He noted his traffic engineer states that the Club has a capacity for a thousand members, but he will accept the limit the Town deems reasonably appropriate.

He stated another question asked of him is whether or not Mr. Trump will continue to live at Mar-a-Lago and the answer is no, except that he will be a member of the Club and would be entitled to use the guest rooms.

He asked if guest rooms are allowed and the answer is yes, as guest rooms constitute an accessory use typical of private clubs in Florida and in the United States and around the world, and around the world and mentioned he had a list of 25 clubs who have guest rooms. He believed guest rooms should be distinguished from living quarters which are referred to in the Zoning Code. He pointed out guest rooms do not have kitchen facilities and will be limited only to use by club members and their guests. He advised that Mr. Brisson, the Town planner, has concluded that this is acceptable and Mr. Ciklin has researched this and rendered an opinion which is part of the record that guest rooms are permissible.

He noted he is asked the question if Bath and Tennis Club members would be given free memberships and although they would very much wish to do so, the Town's traffic expert, certain staff members and others disapproved of this idea believing that this would add to the number of members that they have and so they are compelled to eliminate this from their application. He advised they do hope to have an annual event at Mar-a-Lago Club if this is approved, at which time all Bath and Tennis club members will be invited.

He stated in order to meet traffic limits certain restrictions on Club use are necessary such as limits on dining and on special events.

He has also been asked how will all of this be enforced and wished to respond he has committed to entering into a legally binding recorded agreement between the Mar-a-Lago Club, Mr. Trump and the Town which will set out all the restrictions and which will be enforced by the Code Enforcement officer and penalties can be assessed for violations. He noted they are not trying to hide anything and do not want to trick anyone, and the Code Enforcement officer will have access to the Club to make sure that they do abide by the restrictions.

He stated the hours that the Club will be in operation will be the same as any other Club in Palm Beach.

He advised he has been asked what is the position of the Preservation Foundation and will it endorse the Mar-a-Lago Club since it is a total preservation of the Estate with no subdivision and no change. He recalled Barbara Hoffstot, one of the members of the Preservation Foundation has told him they want the Club to succeed.

He asked if Donald Trump can be trusted with Mar-a-Lago and that is one of the biggest questions asked of him. He wished to state that Mr. Trump has done more for preservation of Mar-a-Lago than any other individual or group, including the U. S. Government, but for Mrs. Post. He advised that even through his recent financial crisis, Mr. Trump never failed to pay the maintenance expenses of the Estate. He commented Mr. Trump has spent millions of dollars since 1985 when the Post Foundation sold him this property. He thought people often forget that Mr. Trump loves, is obsessed with real estate and has been involved with preservation of historic landmarks in New York, such as the Grand Central Terminal and the Plaza Hotel and Mr. Rampell showed the Mayor and Council a box which contained invoices for Mar-a-Lago's bills for a one year period, recalling he spends approximately \$7000 each day on Mar-a-Lago and if the decision on the application is delayed, this would mean for 30 days, \$200,000 or thirty more days, \$400,000 or thirty more days, \$600,000 would have to be spent.

Mr. Rampell believed he had given the Mayor and Council a detailed plan for the preservation of Mar-a-Lago for their lifetimes and beyond and hoped they would approve the Plan.

A short break was taken.

Meeting reconvened by the President.

Mr. Rampell asked to make an additional statement on two items that were omitted:

1. They will commit to constructing a solid masonry wall not less than six feet in height along the northern perimeter of the property as well as a 14" hedge or tree line in order to protect the neighbors to the north on Woodbridge Road.
2. They are willing to sign a Unity of Title Agreement to tie the beach parcel and estate together.

Mr. Weinberg called on Mr. Randolph to lay down the ground rules. Mr. Randolph explained that those who wish to speak in favor of or against the application may now do so and those who wish to speak should be sworn by the Clerk. He advised after the public has had a full opportunity to speak, the staff will make their comments and then Mr. Rampell will make his final statement and then it will go to the Council for final deliberation.

Jack Callahan, corner of Via Vizcaya and the Ocean addressed the Council stating he has lived there for 19 years and has been a resident of the Town for 40 years. He did not believe the parking studies were 100% correct as many times during the season and during the holidays, he cannot pull out onto Ocean Blvd. and even three more cars would make the situation intolerable.

Mr. Maurice Shawzin addressed the Council noting he has been a resident on and off for 25 years and lives south of Mar-a-Lago. He has objections to the proposal as it will set a precedent since there are many fine estates in Town, perhaps not as big as Mar-a-Lago, but this will allow anyone to come before them and will set a precedent. He thought they also needed to be looking at the density and as he passes by this Estate several times a day, he is sure he will be stopped by traffic officers and his progress along this roadway will be hindered. He thought the expense of monitoring the daily trips would be an enormous cost to the Town, as well as the Code Enforcement people. He didn't think the Mayor and Town Council should make a decision out of sympathy with someone who has an economic problem, or under the threat of a lawsuit, but should make a decision based on the merits and how it will affect the Town and its citizens.

Mrs. Bernice Costa was sworn in by the Clerk, addressed the Council in favor of the application, noting Donald Trump would be doing for Palm Beach what Burt Reynolds has done for Jupiter and she thought it was a wonderful idea to preserve this beautiful piece of property and she hoped they would approve the application.

Mr. Louis Pryor, on behalf of the Palm Beach Civic Association addressed the Council indicating they have met with Mr. Trump and studied the written submission, consulted with attorneys, owners of contiguous properties and experts. He appreciated the time and effort that Mr. Trump and his representatives have put into preparing the report with the back-up information. He also appreciated Mr. Trump's desire to be relieved of the annual expenses of Mar-a-Lago, however any solution to this burden obviously should be permitted only if it can be achieved without detriment to the Town long-term. He found the application silent on several critical points:

1. Special Exception Uses in Section 6.40 requires the Town Council to make a finding that the proposed use complies with, among others, that "the use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected."

2. The application does not reveal who are the Club's organizers. It states a "majority" of the active members will be Palm Beach residents or have employment in the Town, but there is no identification of the leadership. He advised the Civic Association welcomes the concept of nondiscrimination with respect to membership qualifications, but given Mr. Trump's close association with gambling interests and business relations with a broad range of people not indigenous to this area or even to Florida, they believed the Town Council should have a special reason to know who will be the Club's organizers.

3. Section 9.63 of the Zoning Ordinance requires the Council to make a finding that the approval will or will not affect the public interest, including sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control.

4. With regards to the 500 shares in the Club, does Mr. Trump remain essentially in control while there are less than 250 other stockholding members and what is his position after shares in the hands of others go beyond the halfway mark.

5. Assurances have been made by Mr. Trump that the Club will ensure the preservation of Mar-a-Lago as an historic landmark, both during and after his lifetime and all are aware that circumstances can change and a change in circumstances were the cause for the applicant to abandon the idea of a single-family residence for Mar-a-Lago and seek a subdivision, and now he has abandoned that idea in favor of a Club.

Mr. Pryor stated it is known that over time circumstances do change and for those reasons, he wishes to make the following additional comments:

He wondered what would happen if the Club failed. He noted there was no financial data given with respect to:

1. The proposed capitalization;
2. The estimated annual operating revenue and expenses.
3. The annual dues and the eventual target number of dues-paying stockholders and seasonal members.
4. What amounts were to be paid to Mr. Trump and what precisely is to be purchased from Mr. Trump.
5. The source of funds to be applied to the original purchase.
6. The terms and conditions of present holders of instruments secured by the Mar-a-Lago property.
7. Will there be passage of title to the Club without recourse?
8. There is no dissolution statement in the event the Club should fail.
9. To whom would the property revert?
10. Would the application have a right of recovery?

Mr. Pryor believed if the Town approved this application, the environmental impact aspects of the property will have been so changed that a subsequent owner would appear to be in a strong legal position to claim rights of subdivision substantially more unfavorable to the Town than at least the second of Mr. Trump's subdivision applications.

Mr. Pryor referred to the Site Plan Review quoting from the Zoning Ordinance which states its primary purpose is to examine for potential adverse impact on the adjacent area, and to ensure that such uses are located, sited and designed that they result in a positive contribution to the area, neighborhood and Town.

Site Plan
Review

He thought the concerns of the neighboring property owners and others about traffic, parking, excessive use and landscaping are serious concerns that they all share.

He stated the Civic Association urges that there first be additional submissions that would provide clear answers to the above questions and where indicated, commitments with accountability clearly spelled out before the Council enters into any final consideration of this proposal.

Mr. Weinberg asked all who wish to ask a question or make a statement stand and be sworn in by the Clerk.

Elise Mackintosh addressed the Council noting she is a long time resident and a member of the Landmark Preservation Commission and her question was about the beach as they own a big beach there and they must have plans for that, which will add more traffic. Mr. Weinberg stated this will be answered later by the applicant's attorney.

Paul Hedrick addressed the Council noting his family and he have worked from time to time in Palm Beach for over 50 years and he felt compelled to endorse this proposal as it will be a Club with no ethnic bias and he endorsed the application.

Heinz Eberhard addressed the Council indicating he has lived here for about 20 years and he thought Mr. Trump was being put at a disadvantage here by the Council and he thought Mr. Trump had made great efforts and he is convinced that whatever he is going to do with the Club is going to be good for the Town of Palm Beach.

Heinz
Eberhard,
resident

William Cudahy addressed the Council, noting he lives on Slope Trail and serves on the Zoning Commission. He referred the Council to Section 210, Paragraph 13.2 which defined Club, private and it states within residential zoning districts a private club may provide living quarters for its bona fide employees only. He referred to 6.40, Subparagraph C which addresses Special Exception Uses and the use may not cause substantial injury to the value of other property in the neighborhood, and he envisioned bands playing, parties, traffic, horns blowing. He referred to Subsection G, which requires that it not result in substantial economic noise, glare or odor impacts on adjoining properties. He hoped they would keep this in mind as this Club would be located in a residential AA large residential estate district.

William
Cudahy,
resident

Rose Harwitz, 2200 South Ocean Blvd., addressed the Council noting no one has mentioned a deprivation of property, noting that there could have been a subdivision granted legally and he could succeed under the zoning laws to getting a club legally. She felt the focus should be in the best interest of the people and they should focus on the traffic as that problem must be addressed whether it be for a Club or for a Subdivision, but she felt there would be some control but they should be sure the decision in order to be fair to anyone owning that property and not to deprive Mr. Trump of it is to make a decision either way.

Rose Harwitz

Carin Sala, historic preservation consultant, addressed the Council endorsing the application specifically in the interest of preservation. She asked who would keep up the maintenance of this property if this is not approved. She wondered if there was a concern about the environmental damage, the applicant has pledged they will maintain the grounds and the exterior as it is, so what would be the adverse environmental impact?

Carin Sala ,
historic
preservation
consultant

Evelyne Harrison, Civic Affairs Chairman for the Garden Club stated her concerns, recalling the property is landmarked and they state there will be no damage to park 200 cars. She felt from any logical point of view, the plants, the roots, the passage of cars over it and the carbon monoxide and all the rest of it will definitely cause some damage. She asked what will happen to the lot which Mar-a-Lago owns at the end of Woodbridge? She asked if a big wall is being put up on the north side of the property, the southern prevailing wind would make it difficult for the people on Woodbridge.

Garden Club

Attorney Betsy Burden addressed the Council on behalf of Mrs. Lillian Loomis, the guardianship of her estate, noting her property is immediately adjacent to Mar-a-Lago on Woodbridge Road. She has had discussions with Mr. Rampell and he has agreed to put up the wall and hedge which were the main mitigation measures they recommended. She wished to identify some of the problems she has seen, although they may be corrected. She advised they have retained a landscape architect, Winston Lee & Associates who could not be here today, but she has a copy of his report which she submitted for the record. She reported Mr. Lee does identify parking to be a possible problem, as it is going to be very close to the access road and all of the valet travel and the service vehicles will be travelling close to her property. She noted there is proposed to park 40 cars adjacent to her property. She recalled in the report Mr. Lee describes the road as similar to the neck of an hour glass, it is wider as you enter and then gets narrow and then grows wider again and her client's property is right at the choke point.

Atty.Betsy
Burden

She wished to state that Mr. Rampell has been very cooperative and responsive and the mitigation measures that the expert has come up with has been agreed to. She knew the wall and the hedge would have to be subject to the Council's approval. She believed they indicated that a berm or a mound of dirt would be another way to form something along the boundary would not be effective in this case. She recalled they also feel vegetation alone would not be sufficient, so they believe the only reasonable effective measure would be this solid masonry wall, along with a adjacent row of trees. She felt, with the Town Council approval, would be architecturally acceptable, the fact that the applicant has agreed to that, they would definitely like to see that included should this be approved.

She raised another issue and that was the traffic as the only access is by way of Ocean Blvd. She stated another issue is the drainage as she wished to be assured that all of the increased activities with the parking would not cause a problem with any kind of drainage.

She understood with regards to the lighting there is no increase in the lighting which would cause a problem for the Loomis property.

Attorney Kevin Hennessy addressed the Council representing Mrs. Elizabeth Fox, 150 Woodbridge Road, an adjacent neighbor and her property is adjacent to the tennis courts. He stated his client was concerned about the lack of notice that she had received with regard to what was going on at these premises. He heard the applicant's attorney state they have sent these plans all over the country to various experts to comment on what was proposed, however, there weren't actual copies of those plans provided to each of the individual property owners on Woodbridge. He recalled she did receive a letter notice, but they were told they had to come down to the Town Hall to view a copy of the plans. He stated they have talked about being good neighbors and he thought a good discussion with the adjoining neighbors would have been appropriate.

He stated the biggest issue they have to look at is this a residential neighborhood and the activity proposed will be a commercial activity. He advised the applicant comes before them today and would like the Council to believe that there is absolutely no basis to compare what will be proposed with anything that exists on earth and he views that as trying to lead them away from the facts and to rely on experts who are basing their opinions on speculation, on opinion, on studies that are not based on fact.

He thought if the applicant's representatives wanted to show the Council the impacts that were going to occur, they could go out and study the Bath and Tennis Club, or some of the other clubs, and give hard and fast comparable numbers. He thought the reason they haven't done that is because those numbers would show that this would be a totally unacceptable use and he thought that it was incumbent upon the Council to get those hard numbers.

He stated one example that we do have a use of this property, they wanted the Council to ignore, and that is the incident that occurred at the Round Table discussion which he thought was a prime example of what's going to happen with the type of uses that are going to be proposed for this facility and those types of impacts are going to continue and they will hitting the residents on Woodbridge the hardest, as they won't be able to get to their homes, they will have to deal with the noise, the noxious fumes from the parking and all the attendant problems that occur with commercial property, such as waste disposal from the kitchen facilities and other operations associated with the Club.

He thought they needed to take careful note of the vagueness of the application as they state they are willing to make changes and to abide by all of the restrictions placed on them by the Council, but where are the assurances that these conditions will be met. He knows once approvals are received, modification can be made and he wouldn't be surprised that were this application approved, that down the line, Mr. Trump would come in and ask for changes because he is not making a profit off of the arrangement as permitted.

He suggested they look at the study itself to see the numbers that he says must be generated, noting they are saying they need 1000 members, now they are down to 600 but there is no financial information to indicate that this club can be viable with only 600 members.

Mr. Hennessy felt this club was not necessary as there are already several clubs existing in the Town and it will have an adverse impact to the neighborhood, being that it is a commercial use being placed adjacent to a residential use. He pointed out the traffic impacts have not been adequately analyzed; they are inconsistent with the Comprehensive Plan and the Town requirements. He suggested if they study the report, they will find inconsistencies as the expert for the applicant stated that Ocean Blvd is not overburdened in its present state, He pointed out one of the traffic experts has made the statement it is overburdened.

Mr. Hennessy asked the Council to analyze the application and realize it will have a tremendous impact on this area destroying the residential use that is there.

Luncheon break was taken.

Meeting reconvened by the President at 1:30 PM.

Attorney Frank Chopin addressed the Council, indicating he was President of the Preservation Foundation and he wished to tell them the position of the Preservation Foundation, and though they have heard they are opposed to the application, that is not their position and their position is a very positive one. They support the preservation of Mar-a-Lago as a landmark historic property and to the extent that this application or any application meets the goal or the purpose of allowing the property to be preserved, they'll support it but they haven't reached that point yet. He stated they also have not reached the point where they are opposed to it but have some questions and concerns and they are opposed to parts of the application.

Attorney Chopin related Mr. Rampell told them the subdivision application had no support and that caused a lot of the outcry. He thought more importantly the fact of the matter is that this time around Mr. Trump has taken the position that he recognizes that Mar-a-Lago is an important property. He stated Mr. Trump states in the application that he recognized that there are critical features to Mar-a-Lago and that those critical features should be preserved, both the mansion interior and exterior, the grounds, the vegetation the landscaping and he has acknowledged the importance that whatever he does that they be preserved and nothing be done that will destroy the character of the property. He stated when you start with that basis, you cannot be opposed to the principle which Mr. Trump enunciates.

Mr Chopin stated he has some questions and concerns and they do oppose certain features of it and he will talk to them about that opposition. He thought what could come from the work that has been done, the efforts they've made, the money they've spent in trying to understand the application and its implications is a real understanding of what's going to be the effect of making Mar-a-Lago into a private social club. He thought if they could get through that process, they could arrive at some kind of consensus as to how to use the property.

He stated he wanted to be constructive, to raise questions and share concerns with them without drawing the conclusion that they oppose it and he'd like Donald Trump not to draw that conclusion either and he has told him and Mr. Rampell that on numerous occasions. He pledged to the Council that they will work with Mr. Trump and with the Town and its staff to see if it is possible to solve those problems and still have a viable private social club, but always in a constructive way.

Atty.
Chopin

Atty.
Chopin

He addressed the question of the ownership of the property and this has been asked before by many, and Mr. Rampell told you that the reason they wish to convert Mar-a-Lago into a private social club is because it will enable him to share the financial burden for maintaining Mar-a-Lago. He recalled the attorney for the applicant also state they are not asking for a variance and that what he wants to do only requires a Special Exception and he doesn't have to prove a hardship. He stated contrary to what you heard this morning, they don't believe Mr. Trump's financial position has anything whatsoever to do with this application. Mr. Chopin agreed it didn't have anything to do in terms of fostering the application or being a detriment to the application and he didn't think Mr. Trump's financial condition was any of his business, or the Council's business or anybody else's business. He stated the issue is what happens to Mar-a-Lago. He pointed out they don't know much about the new owner of Mar-a-Lago as it will be called Mar-a-Lago Club which has been formed and is a corporation and we know it's a profit making venture. He recalled they are allowed to issue 500 shares and when the Special Exception is granted, it's going to be the owner of Mar-a-Lago. He asked what else do they know about it, recalling they do know there's a contract between Mar-a-Lago Club, Inc. and Donald Trump pursuant to which this property is going to be transferred but they don't know what it says as it hasn't been supplied to the Town or anyone. He stated he asked for a copy of it, not because he wanted to know anything about Donald Trump's personal business but he wanted to know what the terms were of the conveyance.

He recalled Mr. Rampell showed the Council the one page Special Exception he prepared on behalf of the Preservation Foundation and this was with regards to the botanical garden that they are going to do on Hibiscus, but it wasn't one page, but two pages and an attachment was provided which the Town required them to file and that was the contract that they were acquiring the property from Mrs. Smithson and it was a deposit and receipt contract and they filed it as they couldn't make an application on the property they didn't own.

He stated the fact of the matter with the application before them is that Mr. Trump is not going to own the property and at some point he will not control the property and at some point, he's not going to pay the expenses as the corporation will be doing that. He pointed out they may not be able to do so but he didn't think that was the Town's business either, to judge the financial well being of the purchaser, but he thought it was their correct and appropriate concern to know how the purchaser and how the terms of the purchase might affect the long term outlook for Mar-a-Lago as an institution in this Town.

Mr. Chopin thought it's easy if you don't think about it too long, as it is private and why do they have to know about that. He pointed out they heard Mr. Rampell state that it's going to be transferred to the corporation and that Mr. Trump will initially be the sole shareholder and that he's going to sell those shares. He advised them the shares are security and when you sell a security, you have to register them with the Securities and Exchange Commission and file a registration statement, giving all the details regarding what it is that they are proposing to do.

He explained when Mr. Trump goes to sell the shares of stock of these securities, he will have first filed a Registration Fee and he's going to have to disclose all of this information anyway, so he didn't think they would be asking him for something that isn't a public record, that will not be filed with the Securities and Exchange Commission and with the Florida Securities regulatory authorities.

Mr. Chopin stated another reason that he thought the Council had a perfectly legitimate right to ask to see the contract is, recalling Mr. Rampell told us this morning that if the Club fails, it will revert back to single family use. He stated his surprise at that as that is not what the application says. He stated the application, which includes the Certificate of Incorporation say that in the event of liquidation, dissolution of the corporation, that the property will be distributed out to the shareholders. He asked how many shareholders would there be, perhaps Mr. Trump and Mr. X? He stated they'll own the property jointly as tenants in common, but they'll have something else, they will have the right to use the property, and both would have the right to live on the property. He wanted to tell them that two unrelated families do not have the right to live in a single family home, so they might be creating a zoning law violation because through no control of theirs, that once they get past this process, if this Club is not successful, they could end up with not just two people owning the property and having the right to occupy it, but dozens and dozens of people, since they are contemplating 600 members, all of whom have the right to use this single family home and that is not compatible with the zoning laws in the Town.

He thought it was incumbent on all of them to try and understand as much about what they are doing and what the consequences are going to be. He knew they all wanted to preserve Mar-a-Lago as a historic landmark so they are all starting at the same starting point and to the extent that the nature of the ownership of the property into the future might affect the accomplishment of that purpose, they have a right to ask questions and to reassure themselves about what might happen.

He recalled Mr. Rampell's statement earlier that it costs \$7000 a day to maintain Mar-a-Lago, and he told you what it would cost if this was delayed. He thought they should rethink that as he thought they needed to take time to be prudent. He recalled the ownership structure was explained as Mr. Trump is going to own all of the shares and then he's going to sell those shares. He pointed out the Mar-a-Lago Club is not going to get the money, but Donald Trump is. He doesn't care what he sells it for as this is America and he has a right to profit and he was not concerned about the profit but he wanted the Council to understand who is going to get the money.

Mr. Chopin asked why that was relevant, because how is the Mar-a-Lago Club, which doesn't have a nickel today and isn't going to have a nickel after the shares of stock are sold, going to pay the expenses? He commented this is only relevant because Mr. Rampell brought it up, and he suggested to the Council that if they take the time to exercise due diligence, they will be costing Donald Trump money and Mr. Chopin stated that simply is not accurate. He stated the answer is Donald Trump, because the corporation is not capitalized. He stated the money that will go into the corporation will be the annual dues, but it will take a long time to get it in there.

He thought they should keep in mind that Mr. Trump is going to have to file a registration statement which will also take time and so he didn't want the Council to feel rushed.

Mr. Chopin stated he wanted this process to be able to continue on a constructive basis where they look at the issues and look at the solutions that might exist and try and find some solutions, and one of the first things in his mind is that Council should look to from a factual basis is an understanding of the ownership structure and what happens after that property has been granted a

Atty
Chopin

Special Exception and has been in operation and the property has been transferred to what he will call a shell corporation, which won't have any assets except the property. He asked if it would be subject to the twelve million dollar mortgage and if it is, how will they pay it. He viewed these as valid questions to ask because if the bankruptcy courts come into play, it might affect the use of the property.

Mr. Chopin advised none of the things he just said were intended to cause the Council to conclude they should deny the application. He has said them to them because he thought they were valid questions and the Council is entitled to answers, as well as the people in the Town.

Mr. Chopin addressed another subject, and that was the question of membership, and they have asked the question and they've read about members and it is an important issue, primarily because of the effect it will have on traffic. He stated the Preservation Foundation hired a traffic engineer, and shared the results of that study. He isn't addressing traffic today as Mr. Kolins will be following him and will talk to them about traffic. He thought it was a mistake to think in terms of just traffic when they think in terms of the membership rolls of the Mar-a-Lago Club, and that is the effect on the property itself. He referred to the application which states there will be 500 active members, and it defines membership to include the man or woman who has the membership, the spouse, and all children under 26 years of age. He happened to know there are 87 widows in the Palm Beach Country Club and 235 married couples. He recalled they have been told the Mar-a-Lago Club is a family oriented club, so he did not think it would be unreasonable to assume that the husband and wife member would have one child, so when they talk about active members, they could be talking about 1500 people or 1200 people or 1600 people or 17000 as it will depend on how many kids that are involved, but they are all members. He recalled this was in the corporate papers. He advised in addition to the 500 members, they will be entitled to nominate two seasonal subscribers, so in addition to the 500 members, there could be 1000 seasonal subscribers that have all the rights of membership. He believed they would be entitled to have weekly guests, with no limitation on the number; house guests, with no limitation on the numbers; day guests, tennis guests, lunch and dinner guests, all with no limitation on the numbers. He recalled they will also have honorary members. He stated there will be membership for those people living on Woodbridge Road. He recalled originally they stated the Bath and Tennis Club would be able to have membership, and they have 724 members, but that is no longer the case.

Mr. Chopin advised his point really is not in how many members they are going to have, but how many people will be using the Club as it is a big house with big rooms, big yard, a golf course, pool, a tennis court and how many people can be accommodated in the living room, or the dining room, or in the spa, or in any of the facilities, to which he didn't know the answer but he thought there should be a limit.

He urged them to not just deal with the question of membership, but with the number of people who are going to utilize the facilities, because if they didn't, all of the people who have a right to go to Mar-a-Lago are going to have a right to go there any time they wish to.

Mr. Chopin recalled Mr. Rampell's statement when he was talking about the U. S. Government considering the possibility of this being made into a museum and if it had been done, there would be over 70,000 people a year which would have gone to this museum and he was not surprised by that figure at all. He thought the fact of the matter is this is a significant landmark in the Town, and perhaps in the United States, and he suspected an awful lot of people are going to go to Mar-a-Lago because it is a nice place to go, but if too many go, Mar-a-Lago will no longer be Mar-a-Lago.

Mr. Chopin suggested the Preservation Foundation recommends that the Council find out what the capacity of the various rooms are, in terms of their utilization, and once they do that, the Council then make some judgments regarding utilization.

He gave as an example, the numbers don't mean anything other than trying to illustrate the point he was trying to make as if the capacity of the various public rooms are 200 and there is a one-third utilization rate then they need to limit to 600, the people who can be members of the Club, because otherwise, they would have an over utilization of the facilities. He asked them what will happen to Mar-a-Lago if there are too many people, and what will happen to the furniture, the tapestries and what will happen if it's overcrowded and it will be destroyed. He pointed out that would not accomplish Mr. Trump's legacy to leave this Town with a non-sectarian Club because it will lose its appeal and its attractiveness.

He believed they should also deal with the question of the definition of membership so as to deal with people. He thought it was fine to talk about a certain number of members, but if it's reasonable to assume as well that for every member, three people will use the Club and will have the right to use the Club and the limitation has to be not on the membership, but on the number of people who will use it and that is a preservation issue.

He knew there were big events at Mar-a-Lago but the fact of the matter is there are limits that could be put on big parties and there is nothing in the documents, nor any legitimate right to make those folks be outside, as they do have a right to go into the Club, as they are going to pay an amount of money which will entitle them to use the facilities. He told the Council if they don't limit the number of people by controlling the membership who can be there, they have not accomplished the purpose that Donald Trump states is his primary goal in converting this to a private social club. He knows to have five or six thousand members would not be hard to do and that's too many. He knows also that Mr. Trump has stated he will do nothing to the critical features inside which would in any way modify them or change them and a limitation on the utilization of the property needs to be worked into whatever is done in that connection.

He thought in that regard Mr. Trump needs to have an opportunity to consider whether this is a continuously feasible project if the numbers are limited, but that is for Mr. Trump to decide and not the Council. He advised the Council does have the right to decide the limitations that should be placed on the membership, not only because the Council wants to preserve the property, which is his starting point, but also he felt they are on common ground with Mr. Trump when they both say they want to preserve the property, as he is sure the Public Safety Department has a concern about over-utilization, as well as the Council being aware of the dangers inherent in an overcrowded facility and it is important to not lose sight of the fact that they can have a overcrowded facility. He advised he wished to help and work with Donald Trump to do this and with the Council and staff to make a determination of what capacity is, and hopefully be able to reach a consensus on what can be achieved.

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Chopin

Mr. Chopin recalled the statement by Mr. Rampell today that the Town's traffic expert, Fred Harris said the membership must be limited and he thought the number was 610 or 611 and Mr. Harris came to that conclusion based upon his review of the traffic situation. He believed the application has again been modified by Mr. Rampell as he said he would do whatever the Council tells him to do, so that instead of having unlimited numbers of membership, he will agree to a much smaller number of members. He believed it was not Mr. Harris' expertise to judge the question of capacity and he may judge the capacity of the roadways, but not the interior. He thought they needed to keep in mind the terms of not just the traffic, but the internal utilization as well.

He stated another element is the Special Events, and is surprised that it was discussed so little in the application, although they say they will limit these special events to 390 people. He will not be talking about the traffic for this as Mr. Kolins will be discussing that but wants them to think about the property, as where are these 390 people going to be. He recalled they stated there are 55 seats available in the dining room, and the staff doesn't want them to put up tents. He recalled he did attend a Special Event which was held for the Preservation Foundation and it was terrific, but they should be talking about the limits, as nothing addresses the question of the ability to utilize the property and at the same time, preserve it in conjunction with the Special Events and that needs to be addressed.

Mr. Chopin pointed out nothing is addressed with regards to whether or not the Special Events can occur at the same time that the Club facilities are being used by the regular membership and that is an issue.

He stated this is a big issue, converting Mar-a-Lago into a private social Club and they have to be prepared to be patient and try and find some results. He introduced David Theophilus, and distributed his resume and then cross-examined him. Mr. Theophilus gave his name, living at 506 Jennifer Lane, Windemere, Fl., and is President of DMT Hospitality Associates, which is a hotel hospitality consulting firm and his services are being paid for by the Preservation Foundation. He gave a synopsis of his educational background, noting he has had 28 years of experience in the industry and has had an opportunity to work with and become familiar with the various regulatory agencies who would be responsible for overseeing hotel restaurant, country club and private social club type activities.

Mr. Theophilus recalled during the time he was with Aircoa, he was involved in the evolution, development, operation and marketing of the Naples Bath and Tennis Club and for ten years, was involved with Arnold Palmer in the Bay Hill Club & Lodge in Orlando for seven years. He also has been involved with Laventhol & Horwath in 40 to 50 club assignments over a five year period in everything from feasibility studies to operational studies with country club and he was involved with regulatory agencies, and this would be in dealing with the Handicapped Code of the American Disabilities Act, the Health Department, the Division of Hotels, and the authorities who would deal with State and County liquor regulations, as well as the requirements by the local Police and Fire Departments.

Mr. Chopin asked Mr. Theophilus if he had an opportunity to examine certain documents in preparation of forming an opinion about various aspects of the application to which Mr. Theophilus responded affirmatively, stating he started with the application and the plans and then the amended plans and drawings, and reviewed correspondence from staff and the responses to them and to the best of his knowledge, has examined all of the documents that have been presented for review as a part of the application.

Mr. Chopin asked if as a part of that review, if he noted on page 145 of the application, that the application seeks no physical change to the property and Mr. Theophilus responded affirmatively, and it his opinion that is not a true statement. He identified at least three specific changes being proposed:

1. The entire Spa facility.
2. The sprinkler system issue.
3. The parking and internal roadways.

Mr. Chopin showed a picture that was in the Palm Beach Post which showed the living and dining rooms of Mar-a-Lago and Mr. Theophilus responded he had an opportunity to review these pictures. Mr. Chopin asked if sprinkler systems would have to be added to these rooms if it is converted into a private social club. Mr. Theophilus acknowledged they planned to do so and the engineer has noted: "it will be a well concealed State-of-the-Art system".

Mayor Ilyinsky interrupted, noting this is controlled by the State of Florida.

Mr. Chopin responded it is controlled by a lot of things, but the ceilings, the walls, the floors are all critical features and there's no question a sprinkler system needs to be installed. The applicant's attorney has stated they will do it according to the Code and he thought there were a lot of things the Council did not want to have happen and neither would they.

Mr. Chopin asked Mr. Theophilus is of the opinion that he thought it would be an easy matter to conceal these sprinkler systems without destroying the interiors of these rooms to which Mr. Theophilus responded he would be very concerned from the preservation issue when they look at the ceilings and walls of these rooms and they state they are going to sprinkle it, he would be very concerned the effect it will have on what they are trying to do to maintain Mar-a-Lago.

Mr. Chopin moved to another area, addressing the matter of the installation of a Spa. He realized this is not designated as a critical feature, asked if there were any plans or specification with respect to how they are addressing the installation of a spa in the basement to which Mr. Theophilus responded negatively. Mr. Chopin asked if it is possible if it's not done right, that it could have an effect on other elements of the critical features to which Mr. Theophilus responded affirmatively. Mr. Chopin asked if Mr. Theophilus was in a position to tell what effect it might have on the critical features to which he responded he did not. Mr. Theophilus expounded on that statement stating he mentioned earlier he thought the group needs to be aware of at least an exposure to the issue of handicap ADA today when the facility is serving the public and they need to deal with what happens when someone comes to the facility in a wheelchair. He thought they needed to address the question of where they were going to park and how would they get from the parking area to the facility and they needed to have doors wide enough for them to get through and also when inside the facility, how to get to the different levels. He noted they have to have bathrooms be made handicapped accessible and how would they get to the

public areas on the three levels. He stated dealing with the Handicapped Code as to dining facilities, bathrooms, public telephone, drinking fountains and all of these issues have to be addressed at some point and he did not see them in the submitted plans.

Mr. Chopin asked if in Mr. Theophilus' opinion could the handicapped accessibility affect the critical features by requiring significant modification to some of the critical features? Mr. Theophilus responded they needed to look at what impact the Handicapped Code and ADA may have on the critical features and as of now, there have not been any details on the specifications or plans submitted that gives this type of information.

Mr. Chopin commented that these are not enforced by the Town of Palm Beach. Mr. Moore clarified that the ADA is a law and enforceable by the Justice Department, but the Town has an ADA coordinator, Mr. Jakubiak. He advised the Town's Building Department would not enforce the ADA, as the enforcement of that is through the architect and the property owner for the certification of the ADA. He advised, under Chapter 553 of the State Statutes, the Department of Community Affairs Florida Handicapped law is enforced by the Town's Building Department.

Mr. Chopin recalled speaking with both Mr. Moore and Mr. Zimmerman in the last few days and when he asked who enforced it, they told them the Justice Department had the ultimate responsibility and that they do rely on the certification of the architect that they have met the Code. Mr. Moore responded for the ADA, the State of Florida's Handicapped Laws are not the Town's responsibility but Chapter 553 is enforced through the Department of Community Affairs. Mr. Chopin indicated he did not want to belabor this but it is an issue. Mrs. Wiener asked if they could move on with this. Mr. Weinberg agreed.

Mr. Chopin asked Mr. Theophilus to address the Division of Hotels issue. Mr. Theophilus responded if the rooms are going to be rented out on a transient basis, which he understood was proposed and if that is the case, they'll come under the Division of Hotel regulations. He advised the Division of Hotels does come under the handicapped laws and there will have to be handicapped access, and one of the guest rooms would have to be made available for the handicapped and would have to have wide enough doors, peep hole systems, locking systems. He indicated one of the real issues that he thought was the whole issue of fire retardant materials. He stated when you look at these rooms with the tapestries, drapes and carpets and fabric on the chairs and the finishing in those rooms, there are very clearly issues dealing with fire retardation and that is an issue to an over night sleeping accommodation which needs to be addressed. He stated this would include smoke detectors and sprinkler systems and the Division of Hotels is extremely concerned about the public safety in overnight sleeping accommodations, which will be an entirely different issue than the way the rooms have been used in the past, as a residential facility.

Mr. Chopin asked if the fabrics in these rooms were acknowledged to be fire-rated to which Mr. Theophilus responded some have been acknowledged not to be, but he can't speak for any specific room, but certainly by the age alone a lot of this material would not meet current fire retardant codes.

Mr. Chopin asked if this would apply also to sleeping quarters on the second floor to which Mr. Theophilus responded it would be an issue. Mr. Chopin asked if the Division of Hotels would require the fabrics now there would no longer be allowed to be used? Mr. Theophilus responded the Division would certainly ask and he was sure this was an issue that the Council would like to have someone talk to the Division of Hotels as to what their position is going to be for all of these materials that are in these rooms and if, in fact, now they are transient overnight rooms which is very different than a bedroom in a house. Mr. Chopin asked if they were not used in a transient type, there would be no requirement that they meet these fire safety regulations to which Mr. Theophilus responded that was correct.

Mr. Chopin asked about the food and beverage service and whether or not the Health Department would be imposing requirements also to which Mr. Theophilus responded affirmatively, expounding that as soon as one is the "public service - food and beverage" you must deal with the Health Department on this issue and it is a major issue. He stated they would deal with starting with delivery and garbage and storage of various foods, and preparation areas, hoods, steam tables which will require fire prevention systems, also floor drains, grease traps, etc., and all of the issues that were dealt with in a residential area is quite different when you are dealing with commercial service of food and beverages.

Mr. Chopin asked if there was anything in the Plan which would tell of the extent of the modifications which would have to be made to Mar-a-Lago to comply with these requirements to which Mr. Theophilus responded negatively. Mr. Chopin asked if it could have an effect on the critical features to which Mr. Theophilus responded it could. Mr. Chopin asked if it was possible to submit the plans to the Health Department for their comments as to what they would require so that could be determined to which Mr. Theophilus responded affirmatively.

Mr. Chopin recalled the comments of Mr. Theophilus on the fact that he has done feasibility studies and asked him if he had done any before the conversion of properties into Clubs or before the acquisition of properties and is that when he would have done such a study to which Mr. Theophilus responded affirmatively. Mr. Chopin asked why they did feasibility studies? Mr. Theophilus responded they basically look at the viability of the project or an endeavor whereby it is determined if there is a market for the product and what that market is; and are the facilities in demand, and what could they be sold for; what facility should be there; what are the costs of doing this; what could it be sold for and ultimately, seeing an economic viability of the property. Mr. Chopin asked if such a study was a part of this application to which Mr. Theophilus responded negatively. Mr. Chopin asked if he had done such a study to which Mr. Theophilus responded negatively, indicating he has reviewed the documents that he has and the information furnished him.

Mr. Chopin asked Mr. Theophilus to assume there would be 600 members which translates to 1200 people and there is a limitation on serving 50 dinners a night and asked for his thoughts as to how attractive that would be or how viable it would be to be able to serve that few people to which Mr. Theophilus responded it would be of concern to him, as if you are dealing with the numbers and if you take 50 to 75 seats available in the dining room in relation to the number of members, would raise a question in his mind as to the viability of that facility to service the members.

Mr. Chopin asked Mr. Theophilus if he had taken a look at any of the other clubs in this area to determine whether that would be consistent with their rate of utilization of their facility to which Mr. Theophilus responded he had.

Mr. Chopin exhibited a chart showing the Palm Beach Country Club, the Everglades Club, the Bath and Tennis Club, the Sailfish Club and Mar-a-Lago and asked if Mr. Theophilus could comment on the utilization rate of the facilities that would be permissible under the restrictions that have already been imposed by the County at Mar-a-Lago, compared with other clubs and the utilization of their facilities? Mr. Theophilus responded he took the numbers from each of the Clubs, and determined how many lunches and dinners are served and relate that back to the membership as to a utilization factor from a low of ten per cent to a high of twenty to twenty five per cent. He indicated from the numbers he heard bantered about, he came up from two to four per cent compared to the competition of ten to twelve or twenty-five per cent, which would raise the question if they had sufficient facilities to service the membership that they have. Mr. Chopin asked if that would have a affect on the ability to market memberships as a private social club to which Mr. Theophilus responded affirmatively. Mr. Chopin asked if this would be because the members wouldn't be able to utilize the facility nearly as frequently as members of other clubs. Mr. Theophilus responded it would be a concern with that low utilization factor for a member and it would be a concern. Mr. Chopin asked if it were unable to attract and sustain members, could it have an effect on its continued viability to which Mr. Theophilus responded affirmatively. Mr. Chopin asked if there was anything in the Plan that would give an indication of what would happen if it could not maintain an adequate membership in order to be viable to which Mr. Theophilus responded negatively.

Mr. Chopin asked for the comments of Mr. Theophilus on special events and were their special considerations and requirements with respect to special event usage? Mr. Theophilus commented all the areas he spoke about, the handicapped access, the health code, etc., and they mention they will have a cap of 390 people and he didn't know how they were going to get food production, or service, or rest room for these special events.

Mr. Chopin recalled Mr. Rampell showed an aerial photograph which showed Mar-a-Lago before and after it became a Club and it was the same picture to which Mr. Theophilus agreed. Mr. Chopin asked if he should take another picture to which Mr. Theophilus responded he should and from the inside as well. Mr. Chopin asked if Mr. Theophilus thought there would be changes to the outside also to which Mr. Theophilus responded affirmatively. Mr. Chopin asked if there was anything in the application that would allow the Council to make a determination as to the extent of those changes that will be made to which Mr. Theophilus agreed.

A short break was taken.

President Weinberg reconvened the meeting.

Mr. Chopin addressed the Council cautioning them that when they talk about preservation, they know what they are doing, and this doesn't mean they shouldn't approve it but they needed to know some of the answers to the questions raised. He asked to talk about the living accommodation, as this is a part of the plan that the Preservation Foundation does oppose. Mr. Chopin noted in the application they state they are not asking for a variance and they think they can do this, without a zoning variance and to this he did not agree as the Code states he has the right to a Special Exception, if he meets the requirements. He recalled the Code does define a private club as well as acknowledges certain accessory uses that can be considered as part of a private club. He noted the Code also states that in a residential district, they cannot provide living quarters for anybody but the employees and they are asking Council to approve this application with the right to rent out rooms. He felt this is a zoning variance and it is not in the best interest of the Town that that be allowed, as we ought not to have hotels in residential areas.

He thought another reason they should not approve that part of the application is before they have got to go to the Division of Hotels which would not allow them the use of these bedrooms in the way they are now used. He noted they have wooden floors. He noted they are fabrics that are from before the Fire Code. He recalled they will have to put in fire sprinklers and it was his feeling they needed a zoning variance as it's going to turn this place into a hotel and it will be self-defeating because it's going to destroy the rooms themselves as they will not be able to be kept as they are. He recalled Mr. Rampell talked about 25 clubs including the Yale Club and he has been there, and it rents out rooms and it is in New York.

He asked what was the accessory use - as the Beach Club the Palm Beach Country Club and the Sailfish Club do not rent out rooms, although the Everglades Club does but it is in the Commercial Worth Avenue area. He thought they would be setting a bad precedent and he opposes it.

He referred to the Preservation Easements, noting what they were proposing was a facade easement and he wrote it but it is very different than a preservation easement. He has had discussion with Mr. Trump and Mr. Rampell and wondered how they would guarantee that if they get the Special Exception, the things that they say are important and we agree are important, how will they be preserved in perpetuity. He recalled Mr. Rampell's statement that they were going to have a development plan. He believed Mr. Rampell came around and recognized that easements were a good idea and a way of preserving and protecting these features, but they are complex and they need to be drafted carefully and examined. He advised there is much more to be protected than the facade and what Mr. Rampell was holding up was a facade easement.

Mr. Chopin thought the Preservation Foundation had originated the idea of Preservation Easements but they raised it with Mr. Trump and acknowledged they wouldn't accept such an Easement. He is not suggesting that they should give it to the Preservation Foundation, but he also is not suggesting that they would not accept it if it were offered. He stated the fact of the matter is that the Preservation Easement is a way of enforcing and guaranteeing the property will, in fact, not be used differently than what has been agreed to and those easements need to be drafted. He stated they are willing to help with the drafting of those easements, especially since they have had expertise and know the difference between a preservation easement and facade easement and will work with the Town on that. He believed there were any number of organizations which will accept it, including the Preservation Foundation, if anybody is interested.

Mr. Chopin summarized his comments noting there is a lot of information, a lot of detail, a lot of attention that needs to be given to this plan to understanding how it's going to work and they haven't addressed the consequences if it doesn't work. He thought this was a big deal because

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it's a big project and it deals with a unique problem and he pledged his support to work with Mr. Trump and with the Town to find real answers to the real problems.

Attorney Ron Kolins addressed the Council and distributed seven exhibits. He noted that his approach to this situation will be a little different because Mr. Chopin talked to them about what happens to Mar-a-Lago if Mr. Trump's plan goes into effect and he is going to talk about what happens to the neighborhood, the Town and the people.

He believed what Mr. Trump's representatives have put on the very best face on this that they can, but it is only a facade. He knew they have heard from a lot of people today, and probably more attorneys than they wanted to hear from, but he would like to put it into perspective in as a simple and clear way as he possibly can. He wanted them to understand what they had before them technically is an application for a special exception, but as he was sitting here today, he conceptualized what they have is a sale because Mr. Trump is proposing to sell Mar-a-Lago, however, instead of selling it to an individual who will continue to use it as a private residence, he is selling it to a lot of people who are going to use it in a different way and in order for that kind of sale to be consummated, it has to have the Council's blessing because it needs governmental approval to use it that way and in seeking their permission, many issues are raised.

He thought the first and foremost issue is the people issue, as how will this impact the people immediately around Mar-a-Lago and the people in the Town, asking what are their feelings, their needs, and their concerns? He reported he represents Mrs. Alyne Massey who lives directly across the street from the driveway on the northern most entrance to Mar-a-Lago and perhaps more than any other human being, she will be directly and most imperatively impacted by whatever happens at Mar-a-Lago.

He stated he also represents Mr. & Mrs. Hollis Baker of 185 Woodbridge and their property abuts Mar-a-Lago, and he wished to enter into the record "Massey Exhibit One", a letter dated May 10, 1993 from Mr. Hollis M. Baker to Mr. Moore, and he will not read it as it is lengthy, but he wished to quote one paragraph: "However, traffic is my first concern and to me this is a major problem. During the major part of the season, even now, we have a difficult time exiting from Woodbridge Road. The certainty of adding traffic of several hundred cars a day going in and out of the Mar-a-Lago entrances and exits would make the traffic in that area untenable. The traffic analysis as submitted appears to me to be highly questionable, with a number of false premises, and of course, the impact is being played down."

He indicated Mrs. Massey's property is directly across the street and will be impacted in a variety of critical ways:

1. The traffic and with traffic goes noise, glare, odor and creates safety problems and getting in and out of her property now is difficult at best. He felt with the traffic increases which will occur if this application is granted, and it will be incredibly difficult to get in and out of her property and every time you do it, it will dramatically increase the safety problem.
2. The beach - he didn't believe there was any consideration given to beach use, but he would like them to bear in mind that the Mar-a-Lago beach is immediately adjacent and to the south of Mrs. Massey's beach.
3. The property values - he believes the property value of Mrs. Massey will be dramatically reduced.

He was astonished that no-one mentioned the legal standards issue. He suggested there is a reason, as in their application "Exhibit B" by stating "this is not a hardship issue", however, the first and last thing that Mr. Rampell discussed was Mr. Trump's personal burden, his hardship in maintaining Mar-a-Lago. He exhibited boxes of documents to prove it. He asked them not to consider any of that, as he didn't know if it was true or not true, as he didn't know Mr. Trump's financial situation, but it is irrelevant. He noted they told Council that in the application, yet they have to resort to making that the focal point of this application. He believed regardless of Mr. Trump's circumstances, ability, or lack of ability, desire or lack of desire to maintain the property which he willingly bought and knew it would be expensive to maintain, and because he believed Mr. Trump was anything but a fool, he had to know what he was getting into when he brought it and that is not an issue for the Council to consider and they have the full discretion to deny this application.

Mr. Kolins noted Mr. Trump has the burden of making a prima facia case of meeting the Zoning code and the Town's Ordinance requirements but then the Council has to look at the record as a whole and if they think he hasn't met those standards, the Council has the right and the obligation to say not. He cautioned them to not believe for one instant that Mr. Trump has the right to anything other than the right to ask you to consider what he wants to do.

Mr. Chopin asked the Council to also consider whether the application and the record he has met the standards set forth in the Zoning Code, does it meet the policies set forth in the Comprehensive Plan and he will show them the application violates and is not in conformity with the Zoning Code and the Comprehensive Plan and it violates common sense.

He referred to the Comprehensive Plan, the Future Land Use Element, and on Page I-3, it states: "The Future Land Use element is the pivotal element of the Town's Comprehensive Plan." He agreed, noting that Element recognizes that traffic in this Town is at a critical stage and they need to do something to minimize it not to exacerbate it. He quoted from page I-31: "The Town's transportation system is rapidly being strained to capacity and, in fact, is at a critical stage."

Mr. Kolins read from I-5, under the title: "Policies Regarding Change" and he read: "The Town recognizes that future development and attendant population growth would aggravate traffic and potable water perhaps bringing the Town to critical level of over use. The Town has therefore adopted the following policy regarding growth. 'To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low density areas or structures to more intense use patterns and therefore lower the pattern of density where possible and to minimize tourist inflow." He thought it was saying - make it smaller - don't make it bigger.

He referred to Section 6.40 which talks about Special Exception Uses and it lists a number, perhaps 15 or 20 of requirements that must be met before they could grant a Special Exception. He advised he wouldn't address all of them, but it does violate certain of them and he quoted six of them:

1. B. That the uses so designed, located and proposed to be operated that the public health, safety and welfare, morals will be protected.
2. C. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
3. D. That the use will be compatible with adjoining development and the intended purpose of the District in which it is to be located.
4. F. That the use will comply with all elements of the Comprehensive Plan.
5. G. That the use not result in substantial economic, noise, glare or odor impacts on adjoining properties and properties generally in the District.
6. H. That adequate ingress and egress to property and proposed structures, their on and off-street parking and loading areas will be provided where required in particular reference to automotive and pedestrian's safety and convenience, traffic flow and control and access of fire or catastrophe.

He asked them to look at the proposal in realistic terms, and he will clearly show he was not working very closely with Mr. Chopin, because he had something very much like that for the Council and Mr. Kolins didn't know he had it, but the point he wanted to make was kind of the point which Mr. Chopin was making and that is how many people will be entitled to use that Club. He felt when that is figured out, only then can they reasonably analyze and understand the impacts. He referred to Massey, Exhibit 2, which showed a Membership Structure using 500 Active members. He noted each of the 500 members could have Weekly Guest cards, House guest, Day Guests with no limits. Seasonal Members, two per member of 1000, Tennis Guest, Lunch and dinner guests and Junior Seasonal guests would have no limit. He recalled each active member would be a husband, wife and children under the age of 26. He stated until today, they thought that the Bath and Tennis Club had rights and entitlement to use the Club also and they had 724 members, so this can be taken out but it is strange to him while they would deprive the Bath and Tennis Club out when based on traffic, when it was their assumption all along, that all of those folks were going to walk to Mar-a-Lago, which he thought was nonsense. He thought if that were true, why are they now taking them out.

He pointed out to add to the membership are the 14 Woodbridge members and his client, Mrs. Massey, all of which can have the guests with no limits and the weekly, house, day, tennis lunch and dinner guests and the Junior Season guests can also have guests without limit.

He calculated 1100 people as active members, which would include husbands and wives, and he used 100 children under the age of 26, and they would take out the Bath and Tennis, but they would add the Woodbridge people and Mrs. Massey, add seasonal members, two per active members, which comes out to 1000, and double that for husband and wife, so it would be 2000 and added 200 children, so they could add that up to approximately 3500 people, before the unlimited classes of folks are counted, and he thought it was conservative to take that number and double it to 7,000, and that is what he comes up with as the number of people likely to be able to use the Club. He commented they would have the right to use the Club, and it could be more, or less, but it would not be 500 or 611 or 1007.

He asked them to keep that in mind as they will be discussing traffic a little later on and this will then become relevant.

He referred to the Zoning Code standards with regards to property values. He decided to find out from an expert whether or not a private social club would have a negative or positive impact on the property values of the properties that surround it, and he introduced John Underwood, President of Appraisal & Acquisition Consultants and he did an analysis for them on the Mar-a-Lago Club would do to Mrs. Massey's property.

Mr. John Underwood addressed the Council, summarizing his background, noting he has been an appraiser in Palm Beach County since 1971 and holds a MAI and SRA designations and has been doing appraisals in the Town for the last 20 years. He noted the handout from Mr. Underwood is labeled Massey Exhibit No. 4.

John Underwood, appraiser

He advised the study he was asked to do was very restricted and was not wide ranging. He stated the question was "What would the impact be on Mrs. Massey's property being adjacent to a private club, change in use from an estate residential type property to having Club facilities?" He attempted to look at other club facilities in Palm Beach and find properties adjacent to those Clubs and see what similar properties not adjacent to Clubs and see if there was a value difference. He found two sales adjacent to the Sailfish Club and found some properties that sold along the Intracoastal and found there was a major difference in value between those properties and the ones near the Sailfish Club. He noted there were certainly other differences in those properties other than just the location.

He advised their compared sales type analysis that they used puts two similar objects with that one characteristic and say it's all attributable to that. He stated all of the difference in value was not attributable just to location, but a good portion of it was.

He inspected the Massey property and it is a nice home with the bedrooms on the first and second floor located on the south side of the house, well designed to get the southerly breezes and most adjacent to Mar-a-Lago. He noted Mrs. Massey's bedroom overlooks the beach area and has a view of the entrance to Mar-a-Lago. He felt there would be a negative and substantial impact on the value of this property from:

1. Increased Traffic;
2. Potential change in the intensity of the beach area adjacent to the property;
3. The change in the residential character of the neighborhoods.

He knew the Bath and Tennis Club was situated south of Mrs. Massey's property but is not oriented towards her property and north of her home now is very residential and buyers typically like to buy in homogenous area and if they are looking at someone that was going to purchase an estate and they had options of which estate to purchase, their first option would not be to purchase one adjacent to a private club, because that would impact the privacy of their own estate type home.

He felt the last reason that they took into consideration was the change in perception of potential purchases of the subject property which ties into the earlier comments.

He summarized, that after he looked at the sales data and considered all of the other factors, it was their opinion that there would, in fact, be a negative impact on the Massey property.

traffic Mr. Kolins then talked about traffic, noting there were three or four different traffic reports. He asked why they kept changing their own report to try to reduce the intensity of use if the use they represented in their original report was true and correct. He didn't know the answer but all he could do was consider the two reports that Mr. Pollock did and a second traffic consultant by Barr and Dunlop. He thought it was clear their traffic consultant, Mr Pollock had a job to do and given all the County and traffic ordinances, they had to keep the daily trips on Ocean Blvd. under the number 137 or else, they could not go forward on a traffic basis. He felt to get to that number you have to make certain assumptions so that the traffic report will get to a bottom line that they can all live with.

He didn't mean to be disparaging at all when he says the traffic report is sort of like a computer with garbage in - garbage out. He thought it becomes very relevant to question the validity of the assumptions of the applicant's traffic report to see whether facts went in or garbage went in, because that's what will tell you what came out.

Mr. Kolins believed the Club would have about 7000 people now that the Bath and Tennis membership has been eliminated, but before that it would have been eight or nine thousand, and they would have a right, every day, to go in and use the Club and a lot of people will use it as they will be proud to be members and they want to show it off and they will want to use the beach, play golf, play tennis and they are not going to pay the money and not go.

He recalled Mr. Pollock's traffic report assumes that besides the people staying in those guest rooms, maybe 35 a day are going to have lunch there and perhaps 50 will have dinner and at most, 25 people per day will use the other facilities and he asked if they really believed that. He doesn't know who will belong to the Club and neither did the applicant know, but that assumption for traffic purposes has to be bought into to believe their traffic report.

He recalled they are having a van to bring their employees to work, and the staff believes that is not practical and will not work and he leaves it to the Council to judge whether the assumptions are foolish and unwarranted as he truly thinks they are.

He asked them to bring their own experience to bear when they think about the traffic in relation to this application, and think of it in the following ways:

1. The numbers. - He asked them to think of the number of trips compared to what are the legal limits and requirements.

2. Safety. - He asked them to consider safety on the roadway, safety for ingress and egress in and out of Mar-a-Lago and for his client, Mrs. Massey and those people who are coming out of Woodbridge and the other streets in that area. He understood the Bath and Tennis tried to direct traffic for their members to get in and out of the Bath and Tennis Club and they had to stop it and if that is true, then the Mar-a-Lago people could not be hiring off-duty officers to direct the traffic in front of the Mar-a-Lago Club.

Bill Tipton traffic expert Mr. Kolins introduced Bill Tipton, a traffic expert hired by the Preservation Foundation, indicating Massey Ex. No. 4 is his resume and Massey Ex. No. 5 is his traffic report.

William Tipton, Sr., President of Tipton Associates, Inc. addressed the Council summarized his background. He stated it was his opinion the concurrency standard for the County will not be met and he recalled fiction has been used to get around the County's concurrency plans currently. He stated the planners give them the concurrency and they are finding ways to get around it and do illegitimate traffic analyses as it were by averaging traffic volumes around certain roads and he will show them some major fallacies in doing that kind of thing, which is included in the Town's process of transportation concurrency. He believed there will be serious delays on Ocean Blvd. and he will refer to access, not only to Mar-a-Lago for emergency vehicles, but also to people to the south. He knows there is a Fire Station south of Mar-a-Lago, but there are times that fire trucks or vehicles are run from the center of Town for a fire or whatever, and if the Chief has to get to the south end of Town, there will be a traffic tie-up.

He noted there are current operational problems in the area as there are queues now when vehicles are wanting to turn left into Mar-a-Lago, there is a sight distance problem out of that driveway. He noted there is a curve there and there's a traffic circle and there is major side street delay trying to get out of the side streets in that area right now. He stated it will be increased as they want to have single lane driveways at all three entrances into Mar-a-Lago. He referred to his report, Tab 1, noting they took a full week count at the Bath and Tennis Club, at all of their driveways, that is the main driveway and at the two driveways into the employee lot across the street. He advised ADT means Averaged Daily Traffic and they were:

Monday - 1,189
Tuesday - 1,321
Wednesday - 1,317
Thursday - 1,463
Friday - 2,011

He recalled in the Kimley Horn report, they did a traffic count at the Bath and Tennis Club and his count was done for Thursday on April 8, and Kimley Horn's count was on Dec. 8, and it was 632. He stated they didn't know that the Bath and Tennis Club did not serve dinner that day, so he felt their numbers were not representative of what is actually happening at the Bath and Tennis Club.

He used the Thursday number, 1,463 in his analysis and made some adjustments to that number as they took out traffic for the living units, and increased it by 15 for delivery vehicles and the final figure was 1,368.

He also did some count at Mar-a-Lago in April of 1993 and on Thursday, April 8, 1993, their count was 177 vehicles - two way count - in and out of the Mar-a-Lago driveway. He stated that is Mr. Trump's current usage of the property, 177 cars per day. He stated they are stating they are going to have 500 stockholder members, plus all these others, which Mr. Kolins referred to, up to 7000 and they state they will double that traffic number of 177, and he asked the Council if they could really believe that?

traffic

Mr. Tipton referred to Page 9, Table 4, which measures delays from Woodbridge Road onto Ocean Blvd., and in the morning the average delay was 10.7 seconds and in the 11:30 to 1:30 time, the average delay was 27.8 and the longest delay was 1 minute 24 seconds; between the hours of 4 to 6 PM, the average delay was 35.7 and the longest delay was 2 minutes and 3.1 seconds, so it is not a good situation at the present time.

He referred to Page 12, which compared the Mar-a-Lago Club with the Bath and Tennis Club, and although the buildings are different, the folks and cars are similar and he expected the usage to be the same, relative to the membership level. He used the stockholder membership numbers of 500 for Mar-a-Lago and there are 724 at the Bath and Tennis, and this indicates that 69% as much traffic can be expected at Mar-a-Lago, and the reason for that is everyone doesn't wish to talk about the golf course located at Mar-a-Lago and the tennis courts, so there would be the equivalent of ten activities with the nine hole golf course plus the tennis court at Mar-a-Lago and at the Bath and Tennis Club, there are eight tennis courts, so in reality there is more room for those activities at Mar-a-Lago than at the Bath and Tennis. He pointed out they also have a beach, which has been ignored completely. He took the traffic count from the Bath and Tennis Club and reduced it 69% to represent what he believes will be the count for the Mar-a-Lago Club and he added 50 trips for the living quarters and he comes up with a total daily trip estimate of 995 trips, compared to the applicant's count of 350. He referred to page 13 to Table 7 where he used the 995 for the daily trip and deducted 155 for the 50% percent employee shuttle and added the shuttle bus trips of 40 coming up with a total daily trips with the shuttle of 880, and the applicant has a number of 302, and Mr. Tipton's number is 2.9% the applicant's number.

Mr. Tipton reported on Table 9 found on Page 15 of his report which show as projected trips, with the shuttle of 880 and he gave credit for their count, or 177, (applicant's number was 103) and he comes up with a total additional daily trips of 703 and their number was at 200 which is where they had to be to not conflict with the Palm Beach County concurrency requirement. He used actual ground counts for the daily trips distribution, showing 75% to and from the south at 527 and 25% to and from the north at 176, and the County test is 137, so they failed the County Concurrency Test.

He referred to page 20 which addressed the Traffic Operational Review. He stated they didn't offer anything in their traffic report, not to trim a bush for sight distance nor a turn lane. He stated it is difficult to see around the bushes out of some of these driveways, particularly the service driveway, which will be their outbound driveway. He noted there was nothing mentioned about improving the sight distance along that section of the road. He advised when you don't have a left turn lane on a two lane road, traffic is stopped and that is the situation that they are looking at. He stated they are looking at a whole lot more people than the applicant is forecasting, coming into the property.

He pointed out Mar-a-Lago is located in an hourglass location, exhibiting a drawing showing the area, noting this project will be adding additional traffic flow, congestion and delay in this most critical area. He explained how the concurrency ordinance works, according to the planning consultant, they take the traffic demand at all of the locations and add them up and divide them by three and they average it out. He commented in the real world, it isn't that way, as averaging those numbers gives the planners a way to get around the law they passed on concurrency.

He recalled it was stated the Bath and Tennis Club were told they couldn't have a policeman out there directing their traffic, and they have a left turn there, and Mar-a-Lago is asking for two policemen to direct traffic, one at the entrance and one at the exit. He pointed out these are single lane driveways and the main gate is 11'1 1/2" wide and the Ocean Blvd. service drive is 12', so they are all one lane driveways. He did not believe it will work. He suggested they sit at the traffic circle and watch the traffic. He recalled he was there for three days and witnessed two wrong movements with cars going the wrong way. He stated the local people know how to use it and that is the only reason it works.

Mr. Tipton noted the Site Plan shows there would be 401 parking spaces and when he laid it out, he got 257 spaces. He stated they have changed their application and now show another area and have 252 in the new area, and he didn't think that many cars would fit in the area they are showing, because they will be parking on grass, there are no lines or other things to guide, even the valet parker. He noted they were showing dead head parking, which means one car will be behind the other and the aiseways will be behind the two of them so one car has to be moved out of the way before the other one can get out. He didn't think it would work.

He referred to Page 27 which showed a comparison between access for Mar-a-Lago and the Bath & Tennis Club (Table 13). He noted the Bath and Tennis has a left turn lane on Ocean Blvd., but Mar-a-Lago does not. He stated there are 2 main driveway lanes for the Bath and Tennis Club and only one for Mar-a-Lago. He noted there are four service/employee driveway lanes for the Bath and Tennis and only two for Mar-a-Lago. He noted Mar-a-Lago is located on the most heavily traveled section, whereas Bath and Tennis Club is not.

Mr. Tipton concluded the proposed Mar-a-Lago Club will generate 2.9 times the amount of traffic estimated in the application, even while assuming that half of the employees will arrive by way of shuttle. He stated the Palm Beach County Concurrency Analysis is incomplete and the total area needed to be studied has not been accomplished. He recalled they stated they were below the 200 additional trips, that meant they did not have to go to a half mile study area, but he wished to inform the Council they are above the 200 trips and they haven't studied their whole study area for the County, in his opinion.

Mr. Tipton advised they are violating the Ordinance in terms of the one per cent capacity rule which is 137 cars and they are over that many times. He felt the individual roadway link is over

traffic

capacity at the present time and they are adding to it relative to the city concurrency. He thought if they wanted to add it at a realistic standpoint, the thing these people feel when they drive the road, as opposed to the fun and games the Town planners are playing by doing the averaging. He stated the traffic circle is in trouble now and will be in worse trouble. He stated they can't get the amount of parking on the site in the area they are showing, which will affect the landscaping, etc. He thought with 257 spaces and the one driveway lane to exit, and the delays that are now occurring at the Woodbridge intersection, it will take two hours to empty the place. He believed there would also be delays on arrival. He believed the Bath and Tennis Club was a superior club location than Mar-a-Lago as it has more driveway lanes, and a left turn lane, and the traffic volumes are less in front of the Bath and Tennis than they are at Mar-a-Lago.

He commented he was asked to do an alternate analysis and noted they suggested in their report that Mar-a-Lago would be at 55% of the Bath and Tennis Club activity and that the traffic distribution is 55% for those going south and 45% for those going north. He ran the numbers, using the real count at the Bath and Tennis and when they did that, using their values and the credit for the shuttle, he came up with 281 cars to the south and the County Concurrency limit is 137, so it does not meet concurrency.

Mr. Tipton referred to another analysis he did adding up the membership proposed for Mar-a-Lago and the 758 members of the Bath and Tennis, plus the local residents on Woodbridge Road and Ocean Blvd., which totaled 1273 members.

He referred to the comparison table of traffic calculations, noting they say there would be 200 cars and he says it would be more like 700 cars per day and using their own data, it comes out to 510 cars per day, and if they hadn't taken the Bath and Tennis Club membership out of the application, it would have been 2000 new cars per day. He compared those numbers to what would be allowed in the peak hour and by his analysis, they failed the County Concurrency test by 3.8 times, and using their own value of percentage, they fail by 2.1 times and with the whole ball of wax, they fail by 8.3 times.

Mr. Tipton summarized by stating the Mar-a-Lago traffic is much higher than what the Council has been told as they have not used the golf course for their traffic generation, nor have they used the beach. He stated they also have not used that other thing, the magnetic attraction to Mar-a-Lago. He believed there would be a lot of people who just want to take people there to see it. He has met with the County Traffic Engineer who has been in Palm Beach area for over twenty years and has never been to Mar-a-Lago. He met with the County last week and they have sent out another letter to the Town based upon the meeting last week and the County states the study before the Council does not address traffic generated by the golf course and the beach, and they are in a tough position. He recalled they already had sent a letter previously stating it was okay, so they have a little egg on their face. He stated they didn't totally rescind their concurrency analysis as they have thrown it back in the Town's lap.

He pointed out when they look at the Harris traffic report, the Town's consultants, it states the Club facilities are to be limited to those in the application. He believed if they take that literally, it means, no beach, no golf and block the tunnel to the beach, so it is not used by Mar-a-Lago.

He stated if they go to the newest study from Barr, Dunlop & Associates and that study includes hotel, tennis racquet club, restaurant. There is no mention of the golf course, the beach or of the magnetic attraction, but he comes up with 348 trips, so he indicated to them that no judgment has been applied. He recalled he attended the Highway Capacity School at Northwestern University when the 1965 Highway Capacity Manual was issued and there was a learned man teaching that course and he asked them to take their books and write a new title on the front of it and they run these numbers and sit back and look at it, then they needed to apply their judgment against the results they get. He pointed out they have before them a bunch of numbers, but no-one has set back and used their judgment in looking at them. He recommended that on a traffic basis, they do have justification to deny the request.

Mr. Weinberg announced they will not stop at 5 PM as mentioned earlier today but will continue this evening with occasional breaks.

Attorney Ron Kolins addressed the Council pointing out it is not the most exciting thing in the world, but it is a critical issue. He recalled in the May 12, 1993 letter that the County Traffic Engineer Walker wrote to Bob Moore, says the Traffic Performance Standards would not be met if conditions placed on the Club are different than the assumptions made in the Kimley-Horn Study. He pointed out what happened is the County accepted the Kimley Horn study and issued their concurrency letter. He has met with them. Mr. Pollock met with them and Mr. Tipton met with them and the County has now changed its position because they know the realities of the situation would not meet concurrency. He stated they are in effect saying if this meets the concurrency, they have got to stick with no use of the beach, no playing golf, no more than 25 people there during the day and the 50 people for dinner and 35 people to lunch.

Mr. Kolins asked to put this in perspective regarding his client, Mrs. Massey as if this is approved, it would mean she couldn't get in and out of her driveway and would have a safety hazard presented to her worse than she has now; and she would have to put up with all the noxious impacts, the noise, the lights, etc., and it means if they were going to use their beach, it would wreak havoc on her beach and her tranquility and the value of her property goes down.

He asked what this means in terms of the Zoning Code noting it violates the Comprehensive Plan. He believed they wanted the people to walk over to the Club from Woodbridge and there are no sidewalks and there would be emergency vehicle problems. He told them it is clearly incompatible with the surrounding uses and this is a big case important to this Town and everybody in it and to Mr. Trump and Mrs. Massey, but it is not a close case, but an easy case. He didn't think it took a traffic engineer, nor a real estate appraiser, nor a police chief, a fire chief or a genius to see that this proposal does not meet the legal requirements.

He recalled when the subdivision was considered last year, they made a little analogy to the drug commercials where they tell the kids to "Just Say No" and he asked them to do just that.

Attorney Joel Koepfel, representing Leonard and Lillian Schneider, 1089 South Ocean Blvd., addressed the Council noting if it was up to Mr. Kolins and some of the other speakers there would be no Everglades Club, no Bath and Tennis Club, no Breakers Hotel, no Sailfish Club or a Palm Beach

Country Club. He thought if they were looking for a utopia, they should be back in the twenties when Mrs. Post built Mar-a-Lago and there was no tax structure nor high maintenance costs. He advised his clients are not opposed to this club as they see it as a plus and think it is the brightest idea for the use of this property as it will be preserved and those members who want to join it should have access to it.

Mr. Koepfel indicated he has been to most of the Clubs at one time or another and there have been times when there was a major event when there was traffic congestion, but most of the club facilities will be used at off-hours and looking at it from a practical approach, there will be more traffic, but he didn't think it was going to be anything like these horrible numbers and doom day prophecies and he is sure it may affect the ability to get in and out of the side streets but he didn't think it would be as disastrous as what they have been led to believe. He referred to the value of the properties and thought that would depend on how they felt about having a private club in the area, and his clients are thrilled by it and like the idea of being able to join a club, walk across the street and have the club facilities. He thought a big plus was the fact they were talking about a non-sectarian club and thought it was a big plus for this community. He believed his clients knew there would be more traffic, but the plusses, as they see it, far outweigh any negatives that may occur and he wanted to voice that there seems to be a much more positive perspective to this thing and a best use idea than anything else that's been before them and asked the Council to take that into consideration.

Mr. Koepfel

Mr. Wes Blackman, local professional planner addressed the Council, indicating he was intensely interested in the outcome of this request because Mar-a-Lago is an important part of this community. He thought the application before them represented a strong compromise and a workable alternative for the continued preservation of Mar-a-Lago, as too many important historic resources within the Town have been lost, as well as the entire county. He indicated he comes before the Town as a professional planner working for the City of West Palm Beach as an associate planner and gave his background.

Mr. Wes Blackman

He advised in his career as a professional planner, he has seen many missed opportunities and local authorities have rejected worthy plans which were not examined for their long-term positive impact, rather a vocal minority that raises issues that may look good in the newspaper but usually end up being a selfish attempt to halt progress, preservation or physical development of a given political jurisdiction.

He pointed out this week is National Preservation Week and he thought it would be wonderful for the Town to act in the spirit of this week and approve this use for the Mar-a-Lago property.

He noted they have an opportunity to approve this application for private club use on the historic property and this is not your average Special Exception request, and may well be a once in a lifetime opportunity to assure the preservation of this landmark. He viewed it as an opportunity to return the property to a use that is much closer to its historical use and one that utilizes the structure in the manner more in which it was originally designed. He felt if they approved the request, they would allow for the establishment of a preservation vehicle which will maintain and protect the property well into the next century. He thought it would have a built in preservation which will provide for its future physical maintenance and have access to a pool of financial resources not presently available.

He pointed out the property owner is willing to dedicate interior and exterior preservation easements, which are usually easy to come by, in fact interior easements are a very rare tool and there is no guarantee that another owner of the property would value the historic nature of the property more than the present owner.

He thought a resource such as Mar-a-Lago deserves a better fate than mere chance and deserves the ability to support its own future, and the granting of this special exception will create the mechanism to do this.

He pointed out the approval would be foolish if appropriate safeguards were not provided or if the subject property was clearly in the wrong place, but neither is the case here. He noted this is also a zoning matter and other issues that will be addressed if the private club proceeds, such as other regulatory agencies.

He referred to the traffic, which is a prime consideration. He had difficulty in understanding the existence of multiple traffic studies, one by the traffic expert of the applicant, which does meet the County concurrency as well as the Town's traffic assumptions.

Mr. Blackman thought the Tipton report appears to be result driven, rather than an honest, objective attempt to determine the traffic generation of the proposed property.

He agreed with the assumptions as portrayed in the Kimley-Horn report in that the trip generation data is based on actual land use characteristics, not on membership. He did not believe membership was the controlling fact for traffic demand, as actual facilities provided on the subject property are the controlling factor of traffic generation and even if membership were higher, only a small percentage of members could use the facilities at one time.

He referred to the conclusions in the Tipton traffic report, noting the first conclusion is the proposed Mar-a-Lago Club and living quarters would generate 703 daily trips, which is in excess of the original study. He stated this only assumes there is a correlation between membership and traffic. He asked them to remember the Club will have only 10 guest rooms, 75 seat dining room, 70 staff and one tennis court and one pool. He noted the capacity of the dining room at the Bath and Tennis Club could well be ten times that of the facilities of Mar-a-Lago, pointing out they also have eight tennis court, a large pool and extensive beach cabanas. He recalled the Tipton report states they will have 450 employees and employee trips were counted to and from the employee lot. He commented that given two trips per employee, 225 employees and it would roughly be three times of that and that is another indication of the magnitude of difference.

Mr. Blackman thought the Palm Beach County concurrency analysis is not complete, since the total area has not been analyzed and this calculation is drawn from the assumption there are more than 200 trips generated from the proposed use, which he did not believe was the case, and neither did the Kimley-Horn Study reflect that fact, therefore, they should look at a radius of development influence of a half mile. He reminded them of the letter received from the County which does state

this meets the standards, with the employee shuttle and/or the reduced dining room seating, and the County did not change that opinion in the second letter.

Mr. Blackman thought the one per cent of 137 trips is still within limits, because the Kimley-Horn study says 110 trips will proceed north on North Ocean Blvd. He read from the report that the individual roadway link on Ocean Blvd. in front of Mar-a-Lago does not meet the standards for the County, and he takes issue with this as they used methodology which is not the approved methodology for the Town. He knows there are existing traffic problems at the traffic circle, but he did not believe that was caused nor will be exacerbated by the Club at Mar-a-Lago. He knows the parking requirement of one space for four members will have to be met, and valet parking does not take as much space as the regular parking space does. He addressed the arrivals and departures for special events, he knew that would be over at certain periods of time, and if there is a 60% occupancy of 75 seats at lunch, they would not have 257 cars parked on the property.

He believed the remark about the Bath and Tennis Club being a better location for a Club is immaterial as they are dealing with historic property and there are certain constraints there and they want to make an adaptive use and provide it for future generations. He stated it was his opinion that the traffic study submitted by the applicant does meet the County concurrency requirements. He believed that the proposed use with conditions agreed upon by the applicant would pose no adverse impact to adjacent properties and the application represents a minimum of use intensification with a maximum benefit towards the preservation of the structure and urged the Council to act and seize this opportunity by affirmatively responding to this request.

Mrs. Smith asked him to repeat his name and tell his address. Mr. Blackman responded he lives in Lake Worth. Mr. Kolins asked Mr. Blackman where he works and he responded he works for the City of West Palm Beach. Mr. Kolins asked him if he was a traffic engineer to which Mr. Blackman responded he was not, but he has a significant amount of traffic analysis experience with the City of West Palm Beach and all concurrency applications for the City come through his desk. Mr. Kolins asked who furnished the traffic report to him of Mr. Tipton to which Mr. Blackman responded it was furnished by Mr. Rampell. Mr. Kolins asked if Mr. Rampell asked him to analyze this to which Mr. Blackman responded negatively, indicating he called Mr. Rampell and asked for the current information and he was furnished that report yesterday.

Attorney Chopin asked Mr. Blackman if he analyzed any of the other traffic reports to which Mr. Blackman responded he analyzed only the Kimley-Horn and the Tipton Report.

Mr. Kolins asked that the seven exhibits he made be a part of the record.

Ms. Kathy Shapiro addressed the Council, indicating she lives in West Palm Beach and has been involved in the selling of Palm Beach real estate for 12 years and supports the application. She advised she bought the book called Landmark Architecture of Palm Beach by Barbara Hoffstot which contained many of the great old estates such as Los Incas and El Mirasol and some of the larger estates have been carved up, such as the Bolton and Blossom Estates. She commented her second reason for supporting this is the non-discriminatory membership policy and asked for approval.

A break was taken and President Weinberg then reconvened the meeting.

Barbara Hoffstot requested permission to address the Council, stating she heard that Mr. Rampell had quoted her as saying she favored the Mar-a-Lago Club Plan and she wanted the record to be clear as to exactly what she did say which was if this plan goes through, she hoped it will succeed and not fail in two years or five years and that is the reason why they were asking questions and going into such detail.

Mr. Moore advised the Mayor and Council that each Department head and staff have reviewed the application as well as the consultants and are available to speak to it. He reported Mr. Zimmerman has found the application is complete and properly before the Council. He noted the Town Manager comments on the Special Events and the traffic and he would like additional details on the special events and the proposed shuttle van and the coordination with the Bath and Tennis Club. He recalled it has been identified there will be a Unity of Title on the property east of Ocean Blvd with the main property and the Town Manager would like to have considered the specific detail on the Unity of Title and the development use and how it would be related to the Coastal Construction Line and the tunnel.

Mr. Moore believed the application has dealt with the question of docks. He advised the Police Department have concerns about the traffic and congestion and request there be established an accurate number of daily trips related to proposed activity including peak season; resolve any scheduling conflicts for special or routine events, avoiding the rush hour arrivals and departures and perhaps prohibiting such activities at specific times. He stated bridge openings are occurring during the season which result in backed up traffic up to Charley's Crab. He noted the entrance needs to resolve the stacking problem at the main portico guest discharge area out onto Ocean Blvd. during Special Event occasions by providing a two lane entry off of South Ocean Blvd. and a right-hand turn lane/stacking lane.

He reported the present gate exit on Southern Blvd. may be unsafe and they are recommending adding a new gate further west near the small flat bridge area on Southern Blvd.

He referred to the membership activities being offered to Bath and Tennis members which he believed that concern has been satisfied by eliminating the provision.

Mr. Moore reported the Police Department had a concern over the possible use of helicopters to be landed on the property and he would like to see that addressed.

He referred to Special Events permitted and thought that needed to be clearly defined in sufficient detail such as a limit to the number of people, and he heard 390 people, who would be permitted on the grounds for any event, and he recommended prohibition of temporary structures, such as tents.

He stated all parking be provided on site and would not recommend any reduction in existing parking levels.

He recalled Mr. Bowser, the Town Engineer, had concerns about the parking and suggesting the stacking lane for north bound traffic on Ocean Blvd. or a left hand turn lane. He believed the

draining issues needed to be resolved. He referred to the sewage generation and thought this needed to be calculated with a methodology generally acceptable by engineering professionals and acceptable to Mr. Bowser. He advised any upgrade on this would be at the owner's expense and an easement would be required. He advised the existing sewer overflow valve on the storm drain system which currently exists would have to be removed at the owner's expense.

Mr. Moore referred to John Wandell's comments that a fire sprinkler protection system per code is necessary to which Mr. Lawrence has agreed in his correspondence to the Town.

Mr. Moore referred to the traffic during large functions has not been satisfactorily resolved for Mr. Wandell as of May 5th, however, he was not sure whether that item was resolved today.

He recalled the need for an outside on site fire hydrant and that will be installed per verbal agreement with Mr. Lawrence.

He referred to the Building Construction Code, as a change in use would require the applicant to bring the structure up to current construction codes. He knows the applicant has agreed to the sprinkler system, but other construction code requirements may be addressed at the time they apply for their permit and in conjunction with preservation review as for such consideration such as additions, changes to handrails and stairways, both interior and exterior and these technicalities need to be defined by Mr. Lawrence with Mr. Ackerman of his Department.

Building
Codes

Mr. Timothy Frank addressed the Council, noting some of the concerns have been addressed, however, he is concerned that a cost break down should be generated which will show what the cost of maintenance are; and what the effective life is of capital components and the schedule for replacement and deferred maintenance should be prepared to keep the property in exemplary condition. He recalled the subject of income tax deduction donation of preservation easements should be clarified. He would like to see a more definitive landscape improvement plan that is based on performance standards which would have to be submitted to the Landmarks Preservation Commission for approval and issuance of the Certificate of Appropriateness. He advised a complete Preservation Plan should be prepared which would outline the methodology and costs of maintaining the special and unique historic components. He thought an acceptable traffic scenario should be developed with mitigating measures to ensure lessened adverse impact. He stated the applicant should present a Plan designed to mitigate problems related to Special Events.

Timothy
Frank

He thought the U. S. Secretary of Interior Standards for Rehabilitation should be updated to include the Town of Palm Beach standards which are not in conflict with the development of Mediterranean Revival form of architecture. He believed the method of maintaining the grass parking area needs was addressed earlier with regards to drainage and so erosion can be evaluated.

Mr. Moore advised the ocean parcel is not landmarked. He noted the application has represented that the costs associated with the maintenance is impractical for a single person to continuously own and maintain as a private estate, and requests that the Council consider these burdens be removed from his shoulders and be spread among the club members. He reminded that this type of use is only permitted by a Special Exception and the Town's zoning ordinances require the Town Council to make a series of findings as set out in Sections 6.40, 9.60 and 9.61.

He noted in the staff review and comments submitted they know traffic is a significant concern which needs to be addressed by the applicant in detail, particularly as it relates to ingress and egress for Special Events in rush hour and prime use periods during the season. He advised in addition to the general traffic concerns expressed by the Town's departments, they must be assured that the proposal is consistent with the traffic element of the Town's Comprehensive Plan.

He advised Mr. Brisson and Mr. Weidner will speak to the traffic. He noted another concern is the proposed guest bedrooms and whether they should be permitted to be used by Club members and their bona fide guests. He advised if this is approved, it is imperative that a mutually acceptable means of enforcement of the representations as they have been made in the application and hereby by the application today be agreed upon. He noted also a Certificate of Appropriateness from the Landmarks Preservation Commission would need to be obtained for any desired exterior or building or grounds changes.

Mr. William Brisson of Adley, Brisson and Engman addressed the Council, noting he has been with the Town as a consulting planner since the mid sixties and is personally responsible for all of the firm's work for planning and zoning in the Town for the past 14 years. He has reviewed the original submission and the addendum and has submitted his written comments dated May 6, 1993 have been submitted. He summarized the more substantive, noting this memo dealt with two issues:

William
Brisson

1. Comprehensive Plan;
2. Appropriateness of the Club encompassing guest rooms in the RAA zoning district.

He found the application to be consistent with all aspects of the Comprehensive Plan. He addressed the concurrency, particularly with regard to traffic and he has a firm opinion that the application would be consistent with the concurrency requirements of the Plan and more detailed discussion will be done by Mr. Weidner.

Mr. Brisson referred to the land use question, this property is in the single family residential land use category and this category does allow private group uses in the Comprehensive Plan, and a private club is a private group use. He stated this would be allowed by the Comprehensive Plan on a limited basis. He noted the Zoning Ordinance allows a private club as a Special Exception Use, and this makes it consistent with the Comprehensive Plan's limitation where it says private group uses will be allowed on a limited basis.

He noted regarding the appropriateness of guest rooms in the R-AA District, there are some issues which need to be looked at:

R-AA District does allow private clubs as a Special Exception;
R-AA District also allows Accessory Uses which are customarily incident to permitted Special Exception uses.

He indicated the definition of a private club includes a provision for services that are an accessory use and he believed guest rooms would not be in conflict with the definition of a private club being allowed as a customarily a business use associated with a private club.

He stated the question arises as to whether or not the guest rooms as proposed are the equivalent of living quarters as contemplated in the definition, which states that there be no living quarters in a private club if it is located in a residential zoning district, except for employees.

He has reviewed the actions of the Town Council in the 84-85 zoning season and reviewed the Zoning Ordinance and it is his opinion that when the change was added into the Zoning Ordinance, which allowed the living quarters for employees only, and believed that was based on the fact that living quarters were contemplated to be multi-family living quarters and not guest rooms. He stated that was documented in the minutes and the staff administration and recommendations during that time, so guest rooms do not qualify as multi-family as they do not have cooking facilities.

He thought if the Town Council is persuaded that guest rooms are customarily accessory to private clubs, then it would be consistent with the Zoning Ordinance which allows guest rooms in a private club as a special exception in the R-AA District.

He stated if the Town Council is not persuaded that guest rooms are a customarily accessory to a private club, then it would be consistent with the Zoning Ordinance for the Town Council to prohibit that particular aspect of the private club. He stated it would be entirely dependent on their interpretation and the matter of persuasion as to whether they believe that use, guest rooms, are customary to private clubs.

Mr. Moore clarified there have been several traffic reports. He pointed out Frederick R. Harris is the Town's traffic engineer and assisted the Town in the development of the Traffic Element in the Comprehensive Plan. He advised Mr. A. Jeffrey Weidner, is here today representing Phil Tokus, who is the actual traffic engineer for the Town. He reported the Tipton report was received from Mr. Walker, Palm Beach County's Traffic Engineering Department late yesterday and Mr. Weidner studied it last evening and he wanted to point out this traffic report was received by the Mayor and Town Council at this meeting.

A. Jeffrey Weidner addressed the Council, indicating he has prepared a memorandum outlining the concerns of Frederick R. Harris in review of this plan. He noted the results indicate the applicant will meet the current concurrency requirements of the County and the Town with specific limitations attached and that access improvements are required to mitigate in anticipated congestion during Special Events. He noted concurrency requirements and access analyses were performed and are now based on the following assumptions that need to be formally incorporated into the proposal. He stated club facilities are limited to those indicated in the proposal and there will be no reciprocal use of the Bath and Tennis Club facilities, there will be a prohibition of Woodbridge Road guests from parking on the site; there will be an employee shuttle or dining room facilities will be implemented to reduce traffic.

He noted they advise they will limit the membership to 611. He noted they will provide information as to the average and Special Event traffic volumes for the service entrance on Southern Blvd., noting that has been received from Mr. Pollock and he is satisfied. He stated they would have to meet County requirements by providing an assurance of the trip reduction plan in conformance with the County Wide Traffic Performance Ordinance. He noted they have restricted their special event attendance to 390 with limitation of special events to weekends and after 6 PM on weekdays. He noted they will provide an off-site turn lane on Ocean Blvd or Southern Blvd. and provide a paved path on site to serve the parking areas.

Mr. Weidner noted he has revised some of the restrictions he had, later reviewing the Tipton report provided him by Mr. Walker of the County, as the report provided more detailed information relative to the existing use of Mar-a-Lago and the Bath and Tennis, and based on that information for the existing use of Mar-a-Lago, the existing trip generation rate is approximately 113 trips per day, and refers to the use of 71 trips on Tuesday, 93 on Wednesday and 177 on a Thursday,, which is consistent with the Kimley-Horn report which indicated existing use was 103.

He noted the Bath and Tennis Club traffic counts, indicate that the traffic from the Bath and Tennis was much more significant than the Kimley-Horn report.

He advised that based on the information he has received, he has revised the limited membership from 611 to 339 and based on the information provided indicating the trip credit, as he compared it to the Palm Beach County Traffic Performance Standards Ordinance, to 113 plus the 200 allowable underneath the Ordinance, to allow the proposed use to generate 313 trips per day, which would be 339 members.

Mr. Moore asked that all documents submitted be a part of the record.

Atty.
Ciklin

Attorney Alan Ciklin addressed the Council indicating he has been involved in this since the beginning, as a type of overseer to ensure that they have met all of the legal requirements in that the application is in posture so it can be approved. He believed after what has been presented today, they have surpassed those legal requirements. He didn't want to sound legalistic, but he believed they have surpassed the legal requirements. He thought perhaps the name Special Exception was a misnomer as it is not really special or an exception, but more a permitted use actually to which the applicant is entitled, unless it is proven that the request would adversely affect the public interest. He noted the initial burden is on them and that is to meet the requirements in the Ordinance. He pointed out the staff has indicated they have done that and once that is done, the burden will shift to the Council, and they become the judge and jury to determine if competent substantial evidence has been presented to support the conclusion that the application is adverse to the public interest, or if it is not, to grant the application.

He thought the question of substantial competent evidence sounds pretty legal but he wanted them to know that one of the things it is not, is the opinion of the neighbors, noting they are what they are and that is merely opinions and they can't be used in denying an application, no matter how sincere or well intended they are, and he knows they were just that. He regrets to say this, but it is true that statements of attorneys are also not evidence, but just statements of attorneys, and he cited as the example, the remark that 7000 people a day would be visiting Mar-a-Lago and that was the reason they should deny it. He stated with all due respect, and he was sure they didn't understand all the traffic numbers, but he wanted them to know there would not be 7000 a people a day at all of the combined clubs in the Town on the busiest day of the year.

He noted one of the criteria is substantial injury into the value of other property in the neighborhood and there is some conflicting evidence, noting they have a letter from Martha Gottfried & Co. indicating that they, in fact, think that being in close proximity to a club enhances the value, as people like to be able to be close by to a Club to wine and dine and use the Club facilities. He recalled Mr. Koeppel who represents nearby property owners verified that. He recalled Mr. Underwood stating that he did an appraisal and there were homes near the Sailfish Club that sold for far less money than property on the Intracoastal and that may be well true, but he respectfully suggested that that may not prove that being near a Club diminished property values, but only means that a sale near the Sailfish Club was less money than the one down the road and if they look at all of the Clubs in Town, they would agree that there are some wonderful expensive homes ever increasing in value in the proximity of the clubs.

He noted another criteria was substantial injury, and the noise, glare, odor or economic impact. He suspected that one of the impacts they could have had was on the Woodbridge Road folks, and Attorney Burden recommended through their landscape architect that they do four things:

1. Erect a wall;
2. Put up a hedge;
3. Not increase the lighting;
4. Do not have garbage standing in that alleyway.

He stated they have agreed to those four items.

He recalled there was much said about adequate ingress and egress and parking and loading with particular reference to auto safety and traffic flow. He recalled they have heard from the traffic engineers, with comments from Mr. Pollock and Mr. Barr, one of the most elder statesmen in the traffic field, both of whom told the Council that they met the Town's Land Use Plan criteria and the County's Traffic Performance Standard. He recalled Mr. Tipton testified they didn't and were not event close.

He heard the Town's experts, Mr. Brisson and Mr. Weidner agreed they had met the requirements, and Mr. Weidner suggested some restrictions, but unfortunately, when you have all of these people saying all of these types of things, they have to wonder what standard and what rules have they met. He noted it is fortunate that they do have two standards, you either meet them or you don't and they have the Town's concurrency requirements and then the County's traffic performance standards. He thought the question is after they have heard all of the numbers, did they meet them or did they not meet them. He thought, even though Mr. Tipton was convincing to some but they do have as part of the record the letter from the County who agrees they have met the standards.

He noted the question is, after they have heard all the numbers and everything else, did they meet them or did they not meet the law that they are supposed to meet which is part of the standards. He thought perhaps Mr. Tipton was convincing to some but they heard Mr. Blackman, just a member of the audience state that the letter from the County, which is part of the record, indicates that they, in fact, have met the Traffic Performance Standards, if they agree to Mr. Weidner's conditions.

He recalled the Special Events traffic issue was widely discussed and they have agreed to limit the membership to either 313 trips or to 611 members and the number of dining is limited; there will be a shuttle; there will be valet at all events; there's a left turn lane that will be installed; there will be an additional access on Southern Blvd.; there will be time and day limitations; and there will be police supervision. He advised they have agreed to everything that Mr. Weidner has indicated.

He recalled Mr. Griffin's affidavit and Mr. Griffin has lived on the property since the twenties and been the property manager since the forties and in his affidavit, he states that in all of those years with all the special events and some of them bizarre, that only one time was there a traffic problem.

He pointed out there has been a 70 year use of Mar-a-Lago and there have been many special events and only this one time has there been a traffic problem.

He referred to Mr. Furtado's affidavit, who has also handled the events here with regards to valet parking and he too says the traffic can be handled easily.

He referred to the staff's comments, noting they have agreed to the left turn lane, the new gate, no helicopters, the 390 person limit for Special Events, the drainage review; the sewage generation upgrade; the granting of the easement; the fire sprinkler installation; and the hydrant. He concluded that he thought that what has been presented to them is, in fact, substantial competent evidence, including that from their own staff, indicating that this application deserves to be granted, and he thought that what they have not received is substantial competent evidence from the opponents of this indicating that it should not be granted.

Mr. Moore asked Mr. Ciklin if he heard him say the staff had said the application met all of the conditions needed for the Special Exception and if Mr. Moore gave him that impression, he apologized because that is up to the Council to make that determination and the staff found it complete for the Council to review it and go on with this hearing, but not that it met all of the conditions. He stated ownership was an issue, as well as the preservation easements.

Mr. Ciklin responded if he misspoke, he apologized, but what he said was that the staff has indicated that the application is complete. He referred to the preservation easements to which they have agreed, but they are voluntary. He will work with Mr. Randolph and Mr. Rampell on that. He stated the easements will be granted to a foundation or a qualified organization.

Mrs. Wiener recalled the question of ownership has come up a number of times and asked if he was going to address that issue. Mr. Rampell responded there is basically a one sentence contract that exists between Mr. Trump and the Mar-a-Lago Club which states: "If the Special Exception application for a private social club is approved, I, Donald J. Trump will convey to the Mar-a-Lago Club, Inc., the property known as Mar-a-Lago in exchange for one share of stock in the Mar-a-Lago Club, Inc." He noted it is just a transfer and a change from individual ownership to corporate ownership.

Shares of
stock

Mrs. Smith commented it is an interesting concept, one share of stock will transfer the title of the house Mar-a-Lago to the Club Mar-a-Lago? Mr. Rampell responded negatively, noting there will be a warranty deed from Mr. Trump to the Club and the Club won't pay Mr. Trump any money. He stated Mr. Trump will receive basically the shares of stock in the Club and if other people come along and purchase a membership, they'll receive the second share and so on, until the equity shareholders become the owners.

Mrs. Wiener commented there's another question that she had a concern about, as on the one hand, people are saying 7000 people will be coming through the grounds, but on the other hand, there is the concern about what will happen if the Club doesn't fly, asking if there could be any assurances that this will return or is part of what you planning to put together in the final stages, that the ownership will revert to Mr. Trump in the event the Club doesn't fly?

Mr. Rampell responded because they must return it to single family ownership, but if no one owns it, then there would be a problem. He stated it does revert to single family ownership and use in the agreement with the Town of Palm Beach.

Mrs. Wiener asked to whom to which Mr. Rampell responded to Mr. Trump.

Mr. Weinberg asked the Town Attorney if the contract which has been described is a proper legal document to which Mr. Randolph responded he has not looked at it but assumes it is an appropriate contract. Mr. Rampell assured the Council that it was.

Mrs. Douthit asked Mr. Rampell that since everybody is concerned about the financing of the Club, and there will be initiation fees, would it be possible to put those fees into a trust fund towards the maintenance? She thought additionally they should put ten per cent of the fees charged for the rooms to the trust fund? Mr. Rampell responded it is contemplated that initiation fees be put into a capital fund, so that repairs can be addressed. Mrs. Douthit noted she has no idea of how much the fees might be, but she thought it should be a percentage contributed on a regular basis to this fund to support it as it would probably take a number of years.

Mr. Rampell responded that Mr. Trump is going to remain personally responsible for all real estate taxes, insurance, and so forth.

Mrs. Smith asked why wouldn't Mr. Trump take possession of five hundred shares then as people become members of the Club, sell them one of the 500 shares? Mr. Rampell responded it could be done that way but it really doesn't matter. He advised Mr. Trump will be the sole shareholder whether he owns one and is only issued an outstanding share or if he has all 500 outstanding and issued shares. Mrs. Smith asked if they would be waiting in line? Mr. Rampell responded it may turn out that way but all he could tell her is that for right now, he thought the best and most accurate representation he can make is that Mr. Trump will be the sole shareholder and the business of this sort is somewhat out of his expertise, as he is just the lawyer and not the financial advisor to Mr. Trump. He noted it is a very difficult thing to determine the number of members, as it relates to traffic and traffic is sort of an ambiguous area, so all he can tell them now is that Mr. Trump will be the sole shareholder of the Mar-a-Lago Club, Inc., until others buy shares.

Mrs. Royal noted there is a mortgage on the property and wondered if the mortgagee agrees to this dispersal of ownership? Mr. Rampell responded there won't be a problem with that. Mrs. Douthit asked how will it be taken care of? Mr. Rampell stated because Mr. Trump will continue to be personally liable and the property will continue as collateral to the lender, the lender's position is no worse off, and in fact may be better off as members join. He stated it is nothing unusual as this is something that happens all the time. Mrs. Douthit commented in her mind, if someone buys a membership in the Club he is offered a share and they would be buying a share of stock so that would be buying a share of that mortgage. Mr. Rampell responded not necessarily, as the corporation will be responsible for the mortgage, not the individual who has purchased an equity membership.

Mr. Weinberg noted the applicants have agreed to a number of commitments and asked Mr. Moore if there was anything further? Mr. Moore responded he didn't believe there was an answer as to whether or not there would be docks? Mr. Rampell responded they have no docks included in the application.

Mr. Doney noted he stated there are none in the application and asked if they were willing to agree that there will not be docks in the future. Mr. Rampell responded it is impossible for him to include in the application all that is to be excluded, and they did not include docks, nor helicopters, nor roller coasters, and a lot of others, but he can't list all of the things that won't occur on the property, and is only limiting themselves to exactly those amenities on the property that are in the application. He showed them a photograph of before and after and he was sincere about there being no exterior changes. He stated they heard Mr. Lawrence even say that there are no exterior modifications necessary in order for the property to fully comply with all health and safety and building code requirements.

Mr. Doney explained it was not intended to be a trick question to which Mr. Rampell responded he didn't mean to be argumentative but no docks was the answer.

Mr. Doney noted the Departments Heads are here and there has been a large exchange of information, and he would like to have the opportunity for the Department heads or Town staff to make any additional comments or ask questions on the information which has been submitted today, to which Mr. Weinberg agreed.

Mr. Rampell advised that all of the conditions of the staff that have been discussed will be agreed to by them in toto and will be included in the Agreement between the Town and Mr. Trump. Mr. Doney asked if Mr. Randolph would comment if all of the staff comments are fully addressed.

Mr. Moore noted in the summaries given, there was a significant change on the membership from Mr. Weidner's original calculations of 611. Mr. Rampell advised the choice was given to limit the trips to 313 to which Mr. Weidner responded 313 trips or 339 members. Mr. Rampell commented "or a limited membership of 611". Mr. Moore said 339. Mr. Weidner stated 611. Mr. Rampell advised they would like the 313 trips and that's the condition they agreed to. Mr. Weinberg asked for a clarification as they have heard a variety of numbers. Mr. Rampell responded 611 is the membership they will agree to and also will agree to the limitation on traffic trips of 313.

Mr. Weinberg called for further staff comments. Mrs. Wiener asked to hear from the Town Attorney. Mr. Rampell asked to make a 30 second statement, thanking the Council for listening to all of the opinions today and pled with them to accept this Special Exception application, as he thought they will never get closer to a consensus than they are today. He knows the decision is a difficult one, but it won't get any easier and the issue, some of them complicated like traffic, will never get clearer, so he respectfully requests their most careful consideration.

Mr. Randolph understood at this point, the Council will deliberate on the application and ask questions of any party or staff. He distributed a packet of information which he would go over with the Council. He thought it was important to the Council as they deliberated to know what has to be considered, knowing they were aware of 6.40 and 9.60, but wanted to advise them of the law which he thought they should follow.

Atty.
Randolph

He noted that pursuant to the Zoning Ordinance, a Club is a permitted Special Exception Use in the R-AA District, and the difference between Permitted Use and Special Exception Use is the Permitted Use is allowed in the zoning district as a matter of right without review or approval by the Council. He stated a Special Exception Use is also permitted, however, it is subject to approval by the Council and he read from the Code "A Special Exception Use shall be permitted only upon authorization by the Town Council provided that such uses shall be found by the Town Council to comply with the following requirements and other applicable requirements as set forth in the Ordinance."

Zoning
re: Clubs

He stated they needed to consider each of the criteria as outlined in Items A through R of Section 6.40. He advised in addition to those criteria, a Site Plan Review is required under Section 9.60 and in Section 9.63, it states: "Before any Site Plan shall be approved, the Town Council shall make a finding that the approval of the Site Plan will or will not adversely affect the public interest. That the Zoning requirements relating to the use have or have not been met and an arrangement has or has not been made as to certain matters set forth in Items A through K of that section of the Code."

Mr. Randolph noted they have been provided with a copy of this section which sets forth the criteria. He stated as to the Site Plan Review, after review and preparation of the findings, the Town Council shall approve, approve with changes or deny the application and any approval shall include as a part thereof, all of the information and exhibits required by the Ordinance.

He stated in order to assist them, he wished to refresh their understanding of the law as it does relate to Special Exceptions and has provided with copies of relevant cases for their review. He reminded them a person is entitled to a Special Exception if they have proven by competent substantial evidence that the criteria of the Code will be met and that the proposal will not be adverse to the public interest. He told the Council they must make the determination that the criteria is met and the proposal will not be adverse to the public interest and in the event applicant meets that initial burden, if the Town Council determines the Special Exception should not be granted, the burden is with the Council to show by competent substantial evidence, that the application does not meet the Town's criteria and is adverse to the public interest. He advised that competent substantial evidence is that evidence which a reasonable mind would accept as adequate to support a conclusion and their determination should be based upon facts they have found to have been established, instead of upon the wishes of persons who appear for or against the granting of the application.

Attorney Randolph quoted from the case law which stated: "The objections of a large number of residents of the affected neighborhood are not a sound basis for the denial of a permit."

He advised in the event the Special Exception is granted, they shall find that such grant will not adversely affect the public interest, and in addition to the standards set forth in Section 6.40, they may prescribe appropriate conditions and safeguards in conformity with the Zoning Code; and may require the land owner to provide a Declaration of Use Agreement which shall be recorded in the public records to ensure continuing compliance with the conditions. He asked that if this is granted, the Declaration of Use Agreement be carefully drafted to include all of the conditions and in the event it is denied, the motion shall include but not be limited to a specific statement as to the reason or reasons for denial which reasons should relate to the criteria set forth in the Zoning Code and shall be based upon a determination that the Use will be adverse to the public interest.

Mrs. Smith asked Mr. Randolph if they had to reach a decision on this today or could they defer this to a time certain as an extension of this meeting? Mr. Randolph responded negatively, stating he didn't intend to state that in this statement he made, as the matter should be considered within 30 days of the application and it doesn't state that they have to conclude the deliberations within that period of time.

Mrs. Wiener suggested they ask their questions.

Mrs. Royal stated her first question is she is confused by the question of financial viability and she didn't wish the Club anything but success if it becomes a Club, but asked what would happen if it did fail and who would get the property back as a single family residence? Mr. Rampell responded the answer is Donald Trump. Mrs. Royal asked if the people who have put up their money then get nothing? Mr. Rampell responded that would be between Donald Trump and the members. Mrs. Royal commented perhaps that wasn't any of the Council's business to which Mr. Rampell agreed.

Mrs. Douthit asked if the proposed Club will be a year round Club or seasonal to which Mr. Rampell responded it would depend upon the membership, but it is planned to be year round.

Mrs. Douthit referred to the initiation fees, which they stated would be put into a trust and asked if they would also be willing to put a percentage of the monies from the rental of the guest rooms into a fund for the maintenance? Mr. Rampell asked if she means it would be sort of a capital reserve to which Mrs. Douthit responded affirmatively, indicating it would be towards maintenance of the building itself. Mr. Rampell thought it was a very good idea. Mrs. Douthit stated she is not talking of anything colossal, but perhaps ten per cent and was trying to provide a feeder for a preservation fund. Mr. Rampell repeated he thought it was a very good idea. Mr. Weinberg asked if she wanted it for preservation purposes only to which Mrs. Douthit responded affirmatively, noting it was for preservation of the landmark building and not for things like a new washing machine or dishwasher. Mr. Rampell responded he would agree to putting ten per cent

into a capital fund for maintenance of the property. Mrs. Douthit asked if this would be along with the initiation fees to get it started to which Mr. Rampell agreed.

Mrs. Douthit asked Mr. Weidner if the membership number could be reduced from the 611 to 500? Mr. Weidner responded he provided them with the option of either limiting the Club to 313 trips and that would require annual monitoring and traffic counts, to which the applicant agreed; or to the membership limits because it has been proven that it is unclear about correlating the traffic with the number of members. Mrs. Douthit noted she is trying to hit a compromise as he originally stated 339 members which doesn't sound very economic to her and that is why she was thinking about the 500 number.

Mr. Rampell stated he would like to have the capacity to have 611 members, so that the burden is shared among a larger group. He didn't know how many members will actually join, but they will comply with the traffic engineer's suggestion that if they do limit it to 611, they would have to stay within the allotted trips.

Mrs. Douthit referred to the letter from the Woodbridge Road residents and noted they have suggested a six foot wall with planting, and asked if the wall would be on the Trump side and the planting on the Woodbridge side, and would the individual residents have a choice as to whether they wish to have the wall or not. She stated the circulation of air has been mentioned and some might prefer air and others might prefer a wall and asked if there was an option there. Mr. Rampell responded they would put both the wall and the hedge on their property as they would not encroach onto anybody else's property.

Mrs. Douthit stated she was trying to get greenery for the Woodbridge people. Mrs. Wiener explained the hedge has to be fed and she didn't think that the people on the street would want the Club attendants to maintain the hedge on the Woodbridge residents' property. Mr. Rampell stated they are flexible on this point, and if a Woodbridge resident wanted them to plant a hedge on their side, they will do it. Mrs. Douthit asked if the Woodbridge people would have a choice of a hedge or a wall or both? Mr. Rampell commented he has had correspondence with Attorney Burden on this and initially she wanted a hedge, so they agreed to put a hedge in, but then she asked to specify what kind of a hedge, so he specified what kind of a hedge, but she wanted a different kind, so he agreed to that. He recalled then she decided a hedge wouldn't be sufficient and there should be a wall and a hedge so he agreed. He stated she specified a 6' wall and a 14' hedge or tree line and they agreed to a six foot hedge and a 14' tree line, so he will do whatever they want.

Mrs. Douthit explained she wanted for the individuals on Woodbridge protection they feel they need, because she thought they're going to need it. Mr. Rampell responded they do want them to have every protection available and that is why they are trying to be flexible. He believed the question included what do the other Woodbridge neighbors think and he didn't want to have any confusion over that, but he has sent the proposal to all of the Woodbridge residents, seeking their comments so that everyone of them would have the opportunity to tell them exactly what they want, a hedge, a wall, a partial hedge or a picket fence. Mrs. Douthit noted it could be individual and wouldn't be the same all the way down? Mr. Rampell responded by asking if the Council wanted him to survey the neighbors and ask what each one of them want? Mrs. Douthit believed they would come to him, to which Mr. Rampell responded they haven't and he sent each one of them a draft, however, he thought it would be best to have one continuous solid masonry wall and that was one of the requests made by one of the residents and he thought that was the best solution and it has been recommended by two different landscape architects.

Mrs. Douthit wondered if it would be possible to put not only a north through lane, but a south through lane, so people can pull off to turn in. Mr. Moore explained this would be a right turn lane in between the existing service entrance and main entrance for stacking. Mr. Rampell explained there is no new lane proposed for that area, but there will be two lanes of egress. Mrs. Douthit explained her point is this would be a stacking lane on the left if they were headed north. Mr. Rampell noted they agreed to a left turn lane. Mr. Weidner explained she is asking for a northbound left turn lane, in addition to the one agreed to. Mr. Rampell responded it isn't one of the recommendations of the Town's traffic experts. Mr. Moore thought it may not fit. Mr. Rampell agreed, noting his traffic expert didn't seem to think there would be enough room.

Mr. Weidner explained his firm performed what's called an unsignalized intersection analysis at that intersection at the main driveway entrance, and utilized the Kimley-Horn traffic report for Special Events and looked at the main entrance and existing conditions with just the two through lanes, and in addition to that, they looked at the existing condition plus a northbound left turn lane, which would have added a left turn lane. He noted under the existing conditions, there was not as much congestion as they had anticipated, however, within one hour, there was some stacking beyond the storage or the valet parking onto the roadway and this caused a conflict with the through traffic. He indicated as a result of that, they have recommended the northbound lane. He noted they also looked at providing what's called a southbound right turn lane, but there is very little property there, and there would be about 80' of storage and a very short transition would allow two cars to stack in there, so on that analysis, they suggested a northbound left turn lane only.

Mayor Ilyinsky commented he thought he and Mrs. Wiener should become traffic consultants as that seems to be the easiest way to get yourself heard and make yourself misunderstood by more people than anything he has every heard of. He recalled he has been sitting here for a great many years and has never listened to better speeches or better accounts of things as he has heard today. He was delighted with Mrs. Douthit's questions as those are the ones he was going to ask and liked her concern about the people on Woodbridge Road and the people who live on the ocean. He commented he hoped and believed that this Council will be very wise in its ultimate decision, and he wanted to thank all for their presentations.

Mr. Weinberg noted there are many traffic experts, and he hoped that they wouldn't compromise the method of handling traffic and they put it on a five or six month probationary period and study it and make adjustments as they are related to the actual experience.

Mrs. Wiener gave her comments, noting there was talk about a circus being held on the grounds of Mar-a-Lago and asked if Mr. Rampell could assure her there will be no circuses, to which he responded he promised there will be no animal circuses, and will put up a bond too.

Mrs. Wiener stated another concern is the matter of enforcement, and they stated if there is a violation, it can go to the Code Enforcement Board and she has read the minutes of those meetings,

and find people coming to that Board after long periods of time, and plead poverty and the Board forgives them and then they start all over again. She wondered if they could correctly address the limitations so that those of them who may decide to go along with the granting of the application can be comfortable and be assured that more than just going to the Code Enforcement that the traffic, the usage, the numbers and so forth will stay in line and they won't have to argue with each other for months and months if the traffic count is off? Mr. Rampell responded they are willing to subject the property to quarterly inspections if they would like or some sort of audit.

Mrs. Wiener asked if they all agree that if there is something wrong, they wouldn't argue about it? Mr. Rampell responded there are punitive actions which the Town can take, because they may not have taken them in the past, and he can't necessarily help, but they will be subject to all of them and they could be quite severe. He recognizes a lot of time the Code Enforcement Board compromises, but he thought they wanted to be a Club which is in compliance, and all he can say is they will make the property accessible on a basis that the Council deems reasonably appropriate because they are not trying to hide anything.

Mrs. Wiener commented that if they assume all goes well and the membership becomes towards the maximum and suddenly they find the traffic is a serious problem, what would they recommend could be done to alleviate that? Mr. Rampell responded he has had a short discussion with Mr. Randolph about that and he thought that in the Agreement a provision can be made that if something like that does happen, adjustments can be made to the membership in the reasonable discretion of the Town and he really doesn't know what else he can do.

Mrs. Wiener referred to the Preservation Easements, stating she know this is something that they are offering and wished to suggest very strongly that it is something that should go to the Town, as we have a Landmarks Preservation Commission and that is where those things properly belong. Mr. Rampell asked if she was asking that the Town hold the Preservation Easement to which Mrs. Wiener responded affirmatively, noting Mr. Rampell doesn't care where it goes and she is underlining it shouldn't go to a private organization but to the Landmarks Preservation Commission. Mr. Rampell commented there is a little bit of a difficulty when they get into the specifics of where the Preservation Easements go, because if the Town requires them or directs where they go precisely, Mr. Trump loses his deduction and there are tax cases along that line because it interferes with his donative intent. He stated all he could tell them is they cannot be operating as a Club, until the Preservation Easements are given, and his personal preference would be the Landmarks Commission, but he is a little bit concerned that if they required them to do that, there would be some difficulties created with their tax deduction.

Preservation
Easements

Mrs. Wiener responded there are many bright legal minds sitting in this room today and they should sit down and discuss it as she didn't believe that something of this nature should be given to any private organization, charitable or not. Mr. Rampell noted there are a lot of different government agencies, but Mrs. Wiener prefers the Landmarks Commission. Mrs. Wiener responded she didn't care, but it has to be situated with the Town, the Landmarks Commission here or in the County somewhere but she thought it is a governmental situation. Mr. Rampell responded he thought the farthest he could go on that subject without jeopardizing Mr. Trump's donative intent and income tax deduction is they would use their best efforts to function and give it to a government agency which is local, and if they get more specific than that, then it's not deductible.

Mr. Weinberg asked if it would be helpful if they had a joint committee made up of a member of two of the organizations, together with members of the Landmark Commission, then they would have an interest that can be handled very properly. Mr. Rampell explained the recipient of the easement has to be a totally independent party, whether it is a government agency or charity, but it must be totally independent. He stated they couldn't influence it and couldn't put members on it, but he reminded them within the Club there will be a Preservation Committee, consisting of three members of the Club, one member appointed by the Landmarks Commission and one member appointed by the State Preservation Officer before any change can begin. He stated that Committee would have to approve a change before it even gets out of the Club. He pointed out any exterior changes would have to go to the Landmarks Commission, whether it is subject to a Preservation Easement or not. He noted the holder of the Preservation Easement can give permission for instance, to change the shading and the color of a facade, but nothing can be done without going through all of the Town procedures.

Mrs. Wiener addressed the traffic, noting they have had heard from the traffic experts, but she didn't think anyone stopped to analyze the fact that the numbers were taken during Spring Break when any club is at its peak, and that is something that should be considered. She stated her biggest concern is about the egress of the Town on the streets north of Mar-a-Lago, when they are trying to go north, as it is difficult getting out of those streets now. She asked if there were any suggestions that the traffic experts could make which would help to alleviate that situation? Mrs. Royal suggested a trip light which would turn green for those cars exiting when they run over it. Mrs. Wiener pointed out there are no lights to which Mrs. Royal responded they should install them. Mr. Rampell pointed out there are traffic problems throughout the Town and he didn't necessarily think they could come up with global solutions to that.

Mr. Weidner thought the applicant indicated that the peak operating of the Club will occur outside of the peak periods on adjacent roadways, noting they are requiring them to not have a Special Event anytime before 6 PM on a weekday and Special Events will be held on the weekends, and that's when the most significant traffic will occur. He stated as far as the average daily use, the peak hour periods, particularly for the dining rooms, that will be after 6 PM so it's not anticipated that their use during those frustrating periods of the day when Ocean Blvd. will have significant impact.

Mrs. Wiener stated she did not see it that way. Mr. Ilyinsky remarked they just hope someone would be polite enough to let their car out. Mr. Rampell noted they could always turn right and go around the circle and then head north.

Mrs. Wiener referred to the guest rooms and when they say it's a customary use, where is it a customary use? Mr. Rampell responded everywhere, Florida. Mrs. Wiener noted in her mind they are asking for a variance for the guest rooms because it is not a customary use in the R-AA District of Clubs. Mr. Rampell pointed out there is no custom, one way or the other.

Mrs. Wiener indicated if there were five clubs in Town or six, and one of them had guest rooms and that one happens to be in the C-WA District and all the rest are in residential districts, so she has a problem with that as in her mind they should be asking for a variance, when it could be looked at a bit differently.

Mr. Rampell responded he didn't think that they necessarily have to limit the test to the Town of Palm Beach and this is the first he has heard of this type of parameter. He pointed out there are clubs in Palm Beach County where guest rooms are available and he didn't understand why they needed to be limited to that at all. He asked if she saw the letter from the Everglades Club to which Mrs. Wiener responded affirmatively. Mr. Rampell thought there ought to be a broader construction and interpretation of that word as it doesn't say in the Town custom and it doesn't define custom as customary with this Town. He pointed out there are people in this Town from all over the world and customs are quite different among many in this Town, and he didn't see how they could limit the jurisdiction just to the Town. He commented that they are allowed to preserve the historical use of those rooms and the alternative is to change them into some sort of game room or card game room, and they want to keep it consistent with the historical use which has been a guest room.

Mrs. Wiener noted they have all assumed that it is a normal matter of our landmark ordinances to landmark interior of buildings but that is not the case as they never have and she thought it was generous on the applicant's part to allow the interior landmarking.

Mr. Brisson was called on by Mr. Weinberg to give his comments on the issue and he stated if for some reason the Council decides that this is not customary, it would be his opinion as a planner, that a variance could legitimately be requested under the Zoning Code but he couldn't help them with the determination as to whether it is customary as that is policy as to what area they wish to have it incorporated.

Mr. Rampell announced he could supply them with the names of a thousand clubs which had guest rooms. Mrs. Douthit pointed out they are not in Palm Beach. Mr. Rampell noted they were in Palm Beach County.

Mrs. Smith gave her comments, the first on traffic, noting the traffic experts were all sworn in and came up with different figures, and she really didn't know what exactly is the traffic situation at Mar-a-Lago so she won't deal with that. She stated one of the problems she had as when she looked at Section 9.60 and Mr. Kolins read to them what they had to do, she was glad they were all looking at the same thing. She knew they were all good lawyers and they looked at them and there was a question on the open vista easements and the preservation easements and she too commended them for giving an interior preservation easement. She believed the easements were individual and they are not in a draft form. She noted each case is different and she hoped that they would be here today with those easements written out, and she asked if they were not prepared to do that? Mr. Rampell responded the preservation easements do take several forms and the form he referred to was called a deed of scenic open space, architectural facade easement and it is a fairly standardized form with a lot of language, probably boiler plate. He commented where it become more unique or different from one case to another is in the description of the property and they often have photographs attached to them, but the best that he could do without crossing that line where Mr. Trump's donative intent is preserved, is to tell them that they are going to be using a form that was generated by Mr. Chopin. He thought the only real difference is if they look at the critical features, all of them will be in the preservation easement and the legal descriptions will be put into the Agreement. He indicated if the Council compelled him to bring before them the deeds themselves, and he has talked with Steven J. Small, a tax lawyer who wrote the Internal Revenue Code provisions on this, who advised him not to do that, as they would not be able to get the tax deduction, so he has gone as far as he can be putting it into the application.

Mrs. Smith stated she understood that, and was not asking for specifics but was hoping for something on paper, and he has talked about draft forms with the Town Attorney, but she hasn't seen them. She was also concerned about the preservation of the landscaping, as Mar-a-Lago is one of the most unique properties in the world, so it shouldn't go with a standard form to preserve the landscaping and the open space easement for the views. She commented he was talking about the views from the west and to the east and if they looked at the Plan, she was hoping they would give a Plan that would more or less show where they might be, as the after plan he showed did not show the cart paths, which has doubled in size and they talked about a stabilized base and asked if it has gone from being a golf cart path to a roadway for cars, as if it is 18' wide, which means two cars could pass each other. Mr. Rampell responded the cart path will only be used for Special Events and cars after they are parked in Phase A of the parking plan and in Phase B, then the cart path will be used. He noted there is a Phase C for use with Special Events and all the cars would be driving across it south into Phase C and at the end of the event, they would be brought out driving one way the other direction. He stated they wished to preserve the aesthetic and exterior appearance totally and would be using grass pavers.

Mrs. Smith commented it would be fair to say that there will be some interior changes to bring this up to code for a public facility to which Mr. Rampell agreed. Mrs. Smith commented when they talk about the preservation of an architectural form, she wondered if there was any question about enclosing the outdoor loggia with glass for dining, since she has seen in different plans that there were dining tables located in that area and asked how would they deal with that if they had more reservations for dinner than they could accommodate inside and in case of bad weather, if they are only going to accommodate 55 people in the dining room, what would they do about the extra people, would they be contemplating enclosing the west loggia? Mr. Rampell responded negatively. He noted they would not change anything of that sort ever and would use the ballroom as a possibility, but no structural changes would be made to the exterior whatsoever.

Mrs. Smith announced she wanted to ask a few questions about the club membership as the renovations that are discussed to the storage area downstairs where the spa would be put in, and asked if the new club owner would be Mr. Trump with either his one or his 500 shares? Mr. Rampell responded probably 500 shares, but he does know so little about this. Mrs. Smith asked who would be paying for the renovations to the house or the installation of the spa to which Mr. Rampell responded Mr. Trump. Mrs. Smith commented that obviously upon approval of the Special Exception, but he would not be going to do it now. Mr. Rampell stated he is not going to do it now, but he could. Mrs. Smith agreed he could and he might want to and might not want to.

Mrs. Douthit asked if there would be cabanas on the beach to which Mr. Rampell responded there will be no cabanas. Mrs. Douthit guessed they would be installing locker rooms in the basement. Mr. Rampell noted people would be required to take showers before jumping in the pool.

Mrs. Royal commented on the major considerations, which she thought were twofold:

1. The obligation to help preserve the property in the best manner.

Comments
of Mrs.
Smith

2. Take into consideration the overall public interest.

and she thought if they looked at all of these specifics within those guidelines, they perhaps could arrive at a decision.

Mr. Randolph indicated that in the event the Council makes a determination from the evidence submitted that the burden has not been met by the applicant, as to all of the specific criteria, then the determination would be that the request should not be granted and they would state the reasons for the denial. He commented if they find that the applicant has met the initial burden and still do not feel that it should be granted, the burden is on the Council to show why it should not be granted based upon the testimony before them today. He thought they had a great deal of testimony and the conditions which have been asked to be imposed by both staff, by the people who have testified, some of which have been accepted by the applicant, and in making any final decision, they should be clear as to what conditions they wish to impose in the event the decision is to grant it.

He advised in determining that it should be granted, they should find it's not adverse to the public interest, which would be the first finding and if they were to pass it on that basis, they should outline the conditions which they feel should be imposed in order to not have it be adverse to the public interest. He thought they should give due consideration to all of the testimony and the discussions they have had in determining, in the event they are inclined to approve the Special Exception, what should go into the Declaration of Use Agreement which should be carefully drafted to incorporate all of the conditions which will maintain the public interest.

Mrs. Wiener asked if it would be a reasonable thing to do, if they were so inclined, to have all of the promises put on paper and presented to the Town Attorney so that he had an opportunity to look at it before the final determination is made? Mr. Randolph responded he didn't feel they were prepared to make a final determination this evening in regard to the Agreement, and it is in their prerogative to continue this meeting to a time certain and direct staff to come back with a document which will contain the conditions which they would like to see imposed in the event they were to grant this, and staff would meet with Mr. Rampell. He suggested he would need some input from the Council as to the condition they would like to see imposed.

Mrs. Douthit asked if he was suggesting there be a conceptual or conditional approval? Mrs. Wiener stated she was talking about giving some comfort to the applicant, if in fact, he could come forward with the proper legal papers with the whole package put together, as she thought to blindly ask for a number of things, when there's no serious interest on the part of the majority of the members of the Council to move forward would be unfair. She stated on the other hand, she didn't think they could just take anybody's word regardless of how honorable they are, because, in fact protecting the Town and Mar-a-Lago they would not be in a position where they were exercising due diligence.

Mr. Rampell suggested if the Council is inclined to approve the Special Exception, a motion could be made to approve it, subject to the reduction of the various conditions to a Declaration of Use Agreement, which would be subject to Council's final approval. Mrs. Wiener felt that was a little too broad and she would like to hear or see the staff come forward where they say everything that has been promised today is now before them, but prior to having everyone go through the hoops, she thought they should be given some level of comfort that they don't have a hundred per cent deal, but they to have a situation that is favorable, if all the subjects that were discussed or may continue to be discussed will come forward and all of the documents would be in order.

Mr. Rampell recalled in the past conceptual approval has been given by this Council and by other bodies. He suggested another alternative, noting that Mr. Randolph has a draft of an Agreement. Mrs. Wiener believed there were some changes made today and Mrs. Smith was talking about actual easements being prepared and that is the kind of thing she is talking about, a total package.

Mrs. Smith was not entirely sure she was clear on all of the conditions they said they agreed to, nor was she sure that she agreed with some of the conditions that were presented by the staff. She asked to hear a definite number from the traffic expert and from Mr. Tipton on what they all felt was the realistic number of trips that will occur if Mar-a-Lago becomes a Club. She would like to know how many members are you now talking about, as Mr. Weidner said 313 trips or 611 members. Mr. Rampell responded 611 members, recalling the Town's traffic expert said that was okay, provided they met the daily trip figure. Mrs. Smith commented he may have said that, but perhaps the Council does not agree with him.

Mrs. Smith wanted to know what would be the restrictions on the members and their guests and she was very concerned that they might have 611 members and that would be members, not couples or individual memberships. She heard them say they wouldn't discriminate and hoped that meant they wouldn't eliminate one member of a couple, in the event one died. She hoped also they wouldn't make it too expensive because if they are not going to discriminate on any basis whatsoever, they wouldn't want to discriminate against the middle class as they might find exorbitant fees impractical. She noted they are talking about a completely open club, available to everyone and she would like to know about the weekly guests, the day guests, the dinner limits and what figures they would be working with.

Mr. Rampell commented with all due respect, they are defining memberships in the exact same way as they are defined in the Bath and Tennis Club. Mrs. Smith responded she hadn't read the Bath and Tennis Club's membership guide, and wasn't sure how they defined members. She knows they have limits and all she is asking is to have this explained because different people have given them different charts, and she is asking for an explanation really as part of the process to reaching the conclusion of this application.

Mr. Weidner thought the safest way for the Town to protect itself and to insure that it meets the Special Exception requirements and he made a recommendation to limit the Club to 313 trips or 339 members. He explained the safest way is to utilize the 313 trip figure. He knows that every traffic expert agreed that that is the number they need to meet to comply with the Palm Beach County Traffic Performance Standards. He knew they were allowed the 200 trips and the existing use credit, recalling the the Tipton report did some detailed counts at Mar-a-Lago and that figure was averaged and they came up with 113 trips, which is the existing use, plus the 200 under the Palm Beach County Traffic Performance standards, which would make it 313. He stated they should also stipulate that a monitoring system be involved where counts are taken at the Club once a year

Special
Events

during the peak season. He thought they should forget about the membership as a limit because nobody has the correct information as to the correlation between members and trips, but it is definite that they need to meet the performance standards, which is 313 trips. Mr. Moore responded that is quantifiable and that is the only number that everybody agrees on, the 313 trips. Mr. Tipton noted it could be monitored monthly in the season. Mr. Weidner agreed with a monitoring procedure. Mr. Weinberg asked if it should be six month monitoring rather than annual monitoring. Mr. Weidner responded it would be once a year during the peak season.

Mrs. Wiener asked with regard to Special Events, she thought they needed to talk about numbers as what would happen if there was a special event at the Bath and Tennis at the same time which could happen on New Year's Eve and Valentine's Day and certain other times. Mr. Rampell responded he had told Mr. Moore they would be willing to accept the condition that special events at both clubs avoid overlapping. He recalled the Bath and Tennis Club has a calendar of events and if they are having a special event on one night, they would coordinate the calendars at the beginning of the year and they will not have one on the night the Bath and Tennis Club is having one. Mrs. Wiener believed they would want to have one on special days like New Year's Eve and other days like that. Mr. Rampell responded they would avoid those days. Mrs. Wiener asked if he was saying he would like to avoid an event? Mr. Rampell responded they would to avoid prohibition, of course, override on those two days. Mrs. Wiener was sure there would be some days they would not be willing to give up certain days and wondered if they could start at different hours for those special days. Mr. Rampell responded he will coordinate the time and their events would start at a different time.

Mrs. Wiener asked Mr. Rampell if he knew how many special events they would be having during a year to which Mr. Rampell responded he couldn't answer the question. Mrs. Wiener advised she is trying to get a feel of how many special events are held at the clubs in town and asked if he was expecting to have double, triple or half? Mr. Rampell responded they would agree to the average among all of the Clubs.

Mr. Weinberg called for a short break for the court reporter to change the tape.

Mr. Weinberg called the meeting back to order and called on Mr. Ciklin who suggested that to round this up, he thought if they continued to talk about conditions, they would be making mistakes and they would not be as precise as they would want them to be. He pointed out the conditions are located within the machine and they are part of the application and the reports and he felt confident that with working with Mr. Randolph and the staff, they would be able to bring them a set of conditions in the precise language that they have approved and if the Council didn't like them, they would tell them and they will go back to the drawing board. He asked them, before they undertook that rather lengthy and complicated process, and the suggestion was already made that there be a conditional approval, subject to the conditions coming back to the Council in writing. He cites examples, as Mrs. Smith is concerned about traffic and would be able to read the conditions on traffic and ask them to modify it in a certain way. He knew they were all concerned about the preservation easement and if they say it won't work for them, they will go back to the drawing board. He stated conversely if they like it, they will move on. He noted the same would apply to the parking plan as it will be in writing, and they will know about the left turn lane, the number of members, the traffic counts, etc. He asked them to consider some sort of a conditional approval subject to the conditions.

Mr. Kolins addressed the Council, noting he agreed in large measure with Mr. Ciklin's suggestion up to a point, because he thought the undertaking of properly disposing of this case is a complex one and a difficult one, and they have all been here for ten or eleven hours and they are tired and this is fraught with the possibility of error. He urged them that they reserved to themselves the final decision until whenever they recess this to and not give conceptual approval. He urged them to retain the flexibility, work out everything they need to work out.

Mr. Weinberg corrected Mr. Kolins noting it wasn't a conceptual approval but a conditional approval. Mr. Ciklin noted they are asking for conditional approval, subject to, and if they don't do the subject to, then there is no approval.

Mr. Randolph advised he had no problem with the Council giving a sense of its opinion in regard to this matter by allowing it to move forward with the drafting of the document. He stated he did not have a problem with a conditional approval as long as all of the conditions were defined, but had a concern as Mr. Ciklin stated they have all of the conditions on the record but he didn't know if they have discussed them to the Council's satisfaction all of the conditions that may be incorporated into the agreement, and he thought it was a little dangerous to give a conditional approval subject to the Agreement coming back in a form that was agreeable to the Council. He thought if they did that, they should discuss the conditions they would like to see incorporated in the Agreement as once a conditional approval is given, there is room for misunderstanding as someone could come back at a later time and say they didn't talk about that on that particular evening and there would be arguments. He stated if they want to give comment to the application that they are encouraged to move forward with an approval, that you can give him that sense of direction by going forward and asking that the staff and he get together and come back with an Agreement setting forth the conditions. He thought that was something short of what they were asking for, but unless they are going to define the conditions, then he had a problem with the request as it is made.

Mr. Ciklin told Mr. Randolph he can identify some areas of the conditions, for example, the traffic, but he thought it would be virtually impossible to take the time to state, they have agreed to the left turn lane, and this and that, and they can certainly identify some of the areas, but he thought if they did identify those areas and then between them, they could fill in the blanks as to the specifics which are on the record, they would bring those back to the Council, but until they finished that, the approval is not complete. He stated he could identify the categories and he has a list of them. Mrs. Wiener stated her problem is that there may be something else which hasn't been mentioned there as a condition and that doesn't mean that it can't be included at some point. She referred to the guest rooms, as that is one of the things that's still hanging, and there may be some other items. She thought they will gain comfort by having everything accomplished before they discussed the matter again.

Mrs. Wiener stated she would like to see some way, and this is probably the only way they could preserve this edifice and she didn't see any other way. She stated they had someone who's come to Town now who is putting up a much larger building and the fact of the matter is, that gentleman had the money and he had no inclination to buy Mar-a-Lago and it's an old story and she

would hate to see this lost due to neglect. She stated there is nothing that will force Mr. Trump to keep his home on the level that it's being kept at the present time, and there's nothing that can force him to continue to spend those kinds of sums, and if they are truly concerned about the preservation of this building, she thought this was the only way they could go. She thought that they had not completed all the conditions and she would like to see them in a situation where they can be amicable and if it takes a few more weeks, a few more conditions to do it, it should be done in the interest of Mar-a-Lago.

Mr. Ciklin reported he had no interest in limiting the Council's ability to add conditions that may not be in the master list.

Mrs. Smith asked Mr. Randolph what is the stipulation on conditional approval and is that the same as conceptual approval and if they did that, conditional approval is not covered? Mr. Randolph responded it is not talked about nor is conceptual approval but the problem with conceptual approval is it's just so fraught with misunderstanding and if someone gets a conceptual approval, to their detriment, on the basis of the conceptual approval, there could be a cause of action for equitable estoppel.

Mr. Randolph stated he has problems with conceptual approval but not with conditional approval, as the ordinance states they may approve, deny or approve with conditions, and those are their three options. He felt if they wished to approve with conditions this evening, he has no problem with that, but he did think that they needed to know at least what those conditions are going to be before they approve with conditions.

Mrs. Smith thought there was a fourth option and that was to continue this meeting for further discussion as they looked into the conditions, as she believed the final approval rests with the Town Council and not the staff.

Mr. Randolph agreed, stating there is nothing that precludes the Council from directing staff and the applicant, subsequent to the adjournment of this meeting, to get together and come back with a document which would contain the conditions that the applicant and staff would incorporate as a result of the discussions made here today and setting a time certain and acting on that at that time.

Mrs. Smith asked how do they react to the questions that members of the Council have had that have not been answered such as the membership number. She stated she had difficulty with the monitoring the traffic and then if it appears to be too much to going back and asked if they would be throwing people out as members, if they discovered the roads can't handle the traffic? Mr. Ciklin responded the way that would be handled is there are several traffic techniques, no they couldn't throw out members but they will be monitoring the traffic on a yearly basis, so they will always know where they are on traffic. He stated if they were to reach a level where they were maxed out, and had already exceeded the traffic count, they would implement some traffic savings things such as instead of bussing only 40% of the employees, they would shuttle them all; and they could provide limousine service or van service to pick up members who wanted to come to the Club; so those type of traffic saving mechanisms could be inserted.

Mrs. Smith stated this is the first time she has heard of this. Mr. Ciklin commented they have been at this meeting a long time and obviously with all of these high price people around, a lot of money has been spent. He would like to leave tonight with a sense, that they will satisfy the Council as to the conditions, they have an approval. He added in the meantime, they will be diligently working on the conditions. He stated sometimes political winds come and go and something goes wrong and they would spend another 30 days or whatever it takes, and then they find out somebody spoke to someone and on and on. He stated if they didn't want to approve them, they are big boys and Mr. Trump is especially big, and they need to tell them, so they won't waste their time in the next 30 days trying to come up with the conditions.

Mrs. Smith thought that was very fair, but speaking for herself, she doesn't have the impression that anyone here is sitting to disapprove, as they have put in a lot of time and had a lot of questions to try and address it for the preservation of the structure as a landmarked building and property and for the people of the Town, so that is why these questions are being asked, in the hopes of getting answers which will safeguard everyone, as the big picture is the preservation of Mar-a-Lago and the preservation of the quality of life in the town for the people of Palm Beach and she hoped that she didn't give them the wrong impression.

Mr. Ciklin guessed they don't really have an impression and that's sort of what they are asking for, and he is sorry to belabor the point, but the really important conditions, as some unimportant ones are the no helicopters and no circuses, but the important ones are traffic limits to a level as recommended by the Town's expert, so that they may continue to comply with the Town's Comprehensive Plan and to adhere to all of the recommendations stated by the traffic expert. He stated they have agreed to that and are prepared to put that in writing; also they have had a very detailed special events traffic program; also the valets; the limitation on the number of people, the times, the days of the week, and requirements to have policemen and they have agreed upon that and that needs to be put in writing. He stated they also know about the preservation, noting the original application talks about all the preservation principles that Mr. Lawrence and Mr. Pandula have composed, but they need to write it and the important things are there but they need to be transcribed. He stated they are seeking to know that they have something and then they will go full speed ahead to give the conditions and then the Council can tell them if they like the conditions and whether they are satisfied with them or that they are not. He stated if the Council doesn't agree, then they won't have the approval because it's conditioned upon the agreement being acceptable to the Council.

Mrs. Wiener commented she sees a hesitancy to make a motion as she believed they wanted to have everything in hand, and they would like to have the comfort of being able to make certain other suggestions to them. She recalled the Council has people come before them and they can look at them and know those are people that can be relied upon and their word is relatively good. She knew they were making fun of attorneys all day and perhaps they will go home and talk about the politicians, but she would like to believe that they have five people sitting in front of them, with integrity. Mr. Ilyinsky corrected her stating they have six people. Mrs. Wiener reminded him he did not have the opportunity to vote.

Mrs. Wiener wondered if they wanted to have a poll of each one of the members of the Council and get their feelings in relation to the whole matter and asked if that would satisfy them? Mr. Ciklin shook his head no.

Mr. Rampell stated he thought they were missing an opportunity if they couldn't at least hear a motion for approval of the Club as a Use, subject to the unlimited number of conditions that they may wish to impose in the future. He thought that they had shown the Council enough detail about the Club that at least that type of a motion could be made and that would solve a lot of problems which he could not go into.

Mrs. Wiener asked Mr. Randolph what if they discussed the understanding that the idea of a Club for Mar-a-Lago based on the discussion of today, and perhaps some future modifications is an idea that the Council is receptive to and asked if that would take care of everything? Mr. Randolph stated he has no problem with that if each one of them individually give that statement, and it sounds like something more than what they have been asking for. Mrs. Wiener stated they are trying to meet them in the middle. Mr. Rampell stated if this was a vacant lot and he came to them, asking to build a building on it, could he do it and what he is asking them can they convert to a Club or not, if they don't want them to, they should just say so. If they can, they will do so and will make the conversion based on any limits they wish to impose and they'll work on the agreement but it will be an unlimited number of conditions.

Mr. Randolph did not think anyone on the Council today has indicated that they don't want to see a Club there, and he didn't think they were going to get that kind of a motion from them today, but he wished to suggest, that a motion that a Club be approved subject to any unlimited conditions is redundant because they are entitled to the use of a Club, if they meet the criteria and the conditions imposed by the Town Council. He told the Council if it wishes to give its sense to the applicant that it feels that this is something that can be approved by them, subject to meeting the conditions that they come back with, he has no problem with them giving that kind of an indication, but he has a problem with them making a motion which is going to be binding upon them which says, the Special Exception is approved subject to meeting an unlimited number of exceptions which may be imposed at a later time. He thinks that leads to problems and he doesn't know why they need to have a motion approving this tonight when they are indeed entitled to a Special Exception if they meet the conditions that they impose. He stated if the Council gives them a sense that they are in favor of this, subject to them meeting the conditions, he didn't know if that was enough. Mr. Rampell stated he can live with the redundancy and if it's redundant or it's meaningless, he thinks that a statement to the effect that the use of Mar-a-Lago as a Club is acceptable with conditions to be refined and determined later, that will enable him to tomorrow settle the subdivision litigation and he is sorry that he got into that, but this is what is on his mind and he won't go any further.

Mrs. Wiener asked if it was possible to poll the members of the Council with a question that is a Mar-a-Lago Club an idea whose time may have come. She commented on the fact of the matter is the Council is not prepared to give them a definite yes, but on the other hand, that's not really what they are looking for, but in order to avoid further complications, she thought they would be able to get the sense of the Council.

Mr. Weinberg commented he is not talking or thinking of behaving in terms of conceptualism, and he heard Mr. Randolph speak to them in terms of the word "conditional". He thought conditional approval, subject to the various conditions and commitments already made, subject to review and correction by the staff and the attorney and said conditions that are to be brought before the Council at its next meeting in June for consideration at that time. He thought conditional is conditional and he didn't know why there's so many of them who have difficulty with what is conditional. Mrs. Wiener asked if that was a motion. Mr. Weinberg handed the gavel to Mrs. Wiener to chair the meeting and stated it was. Mrs. Wiener handed the gavel back to the President and stated she would second the motion.

Mrs. Smith stated she is not entirely sure why we're suddenly being pushed on a time frame here and that's alright, but actually before the conditional motion with conditions to be considered at the next Council meeting, she suggested the Council meet before the next monthly Council meeting to which Mrs. Douthit agreed. Mrs. Smith asked if they could see the conditions to be able to discuss this at the next meeting for approval rather than going on with more meetings. Mr. Ciklin responded he will prepare a draft and submit it.

Mrs. Smith asked if he was not asking for a time? Mr. Ciklin he will prepare the initial draft and perhaps there could be a workshop meeting so they could sit down and discuss this to which the Council did not agree.

Mrs. Wiener commented she wouldn't want to go through this again and they are now at a certain stage and they need to get past it. Mr. Randolph stated the public hearing on this is over. Mrs. Douthit suggested they have a workshop meeting when it could be discussed and made clear and then it would be put in final order to be approved at the June meeting. Mrs. Wiener recalled how difficult it was to set up the meeting on the water. Mrs. Smith suggested they give up the time scheduled for her Public Works Committee meeting. Mrs. Royal suggested they use the time set aside of the water meeting and discuss Mar-a-Lago.

Mrs. Smith noted there was a motion on the floor. Mr. Weinberg stated the motion was to bring it back to the June Council meeting. Mayor Ilyinsky thought that was too long a period to wait. Mr. Weinberg suggested there be a special Town Council meeting on this subject on June 1st, 1993 at 10 AM.

Mrs. Wiener noted the motion was to conditionally approve the application based on all of the items that have been brought to them and with an opening for any further items. Mr. Weinberg stated they could turn it down on June 1st. Mrs. Wiener commented that may be, but they didn't want to make that motion or maybe they wanted to put it to a vote. Mr. Weinberg stated the motion was a conditional approval subject to the various conditions and commitments already made or subject to review and correction by staff, with the conditions to be brought before the Council. Mr. Randolph understood the motion would not be limited to conditions which have already been discussed, but to then be able to add any conditions which they may discuss at a subsequent meeting.

Mrs. Douthit asked if they wanted a Workshop to which Mr. Weinberg responded he didn't think it was necessary.

On roll call, the motion carried 3-2 with Mrs. Douthit and Mrs. Smith voting against the motion. Mrs. Douthit stated her reason was because she felt they needed a workshop between now and the June meeting prior to a final decision being made. Mrs. Smith stated her reason for voting against the motion was she would like to see the conditions so they could be reviewed and she wanted to do that before she conceptually or conditionally approved the application. Mr. Doney noted there will be a June 1st meeting to look at the conditions. Mrs. Douthit then changed her vote to affirmative and the motion carried 4-1.

Mr. Moore asked Mr. Ciklin if he would put the draft conditions together as soon as possible as the staff would need some time to look at them to meet the June 1st deadline. Mr. Weinberg asked if Mr. Ciklin would be meeting with the Town attorney to which Mr. Ciklin responded affirmatively noting they will talk about the format and what the conditions are and then they will draft it and Mr. Randolph will get the staff involved and by the time the Council gets the Agreement, everyone will have reviewed it.

Mr. Weinberg reiterated that it could be that when they have the next meeting, they could say yes and they could say no. Mr. Ciklin understood.

Mrs. Wiener noted they could also say maybe.

Mr. Doney reported the Water meeting originally scheduled for June 1st has now been changed to a Town Council Special Meeting on Mar-a-Lago and that would be June 1st at 10:00 AM.

VI. ANY OTHER MATTERS: None

VII. ADJOURNMENT: Meeting was adjourned at 8:00 PM.

Grace T. Peters
Town Clerk

Adjournment