

**Miami-Dade County Historic Preservation Board
Minutes of the April 15, 2015 Meeting**

**Miami-Dade Library System
101 West Flagler Street
Library Auditorium
Miami, FL 33130**

I. ROLL CALL

The meeting was called to order by Chair Mitch Novick at 2:05 pm.

Board Members

Gary Appel	Absent
Ruth Campbell	Present
Adriana Cantillo	Absent
Rick Cohen	Present
Paul George	Present
Mitch S. Novick, Chair	Present
JoEllen Phillips	Present
Enid C. Pinkney	Absent (arrived at 2:23 pm)
Ronda Vangates	Absent

Staff Members Present

Kathleen Kauffman
Sarah Cody
Jeff Ransom
Helen Rodriguez

Eddie Kirtley & Dennis Kerbel
Assistant County Attorneys
Craig Coller, Assistant County
Attorney

Chair Novick: Opened the meeting with some words of reflection and a moment of silence in honor of long-time Board member, Robert McKinney.

II. APPROVAL OF MINUTES

Chair Novick: Asked for a point of clarification in the minutes related to Bal Harbour Shops and the Church by the Sea, indicating that the Board did not unilaterally start to designate these properties.

JoEllen Phillips moved for approval of the March 18, 2015 minutes. **Ruth Campbell** seconded the motion. Motion was approved by group vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes

Enid Pinkney	Absent
Ronda Vangates	Absent

III. PUBLIC HEARING – public hearing items may not start before 2:15 pm – public hearing started at 2:15 p.m.

Chair Novick: Indicated that the Board would hear the Biscayne Park Village Hall item, before considering requests for deferrals of the other public hearing items.

A. Swearing in of the Public – Lorena Ramos, Court Reporter: swore in the public.

C. Public Hearing Items

**PH1. Special COA #2015-08-S
Biscayne Park Village Hall
640 NE 114th Street
Biscayne Park, FL 33161**

Chief Kauffman presented the Staff Report for the proposed restoration of Biscayne Park Village Hall. Staff’s recommendation is that this Special COA be approved by this Board.

Richard Heisenbottle, Architect, 2199 Ponce De Leon Boulevard, Coral Gables: Represents the Village of Biscayne Park and gave a presentation on the historic building and the proposed restoration work.

Roxanna Ross, 11166 Griffing Boulevard, Biscayne Park, FL: She serves on the commission at the Biscayne Park Village Hall. Since 2009, she has been working on this project to see if they can get things accomplished. She appreciates the Board’s consideration as well as the assistance from the County and State of Florida.

Heidi Siegel, 640 NE 114th Street, Biscayne Park, FL: City Manager for Biscayne Park. The Village was awarded a grant of several million dollars from the State of Florida, in order to build a new Village Hall and restore the historic log cabin. The project is expected to be completed by early 2015. They are on a heavy schedule due to the grant from the State and appreciates working with Kathleen Kauffman, Chief of Historic Preservation and Staff in getting this in front of you and they are very proud of this project. On a personal level she is a Historic Preservationist in training and started her career path in historic preservation and has moved up the ranks to administration, so she is happy to be able to be part of this project that addresses a unique historic building in Miami-Dade County. She invited the Board to hold a future meeting in the restored building.

Chair Novick: My hat is off to you Heidi. Any other public speakers regarding this matter? Defers to his colleagues to see how they want to proceed or move this.

Board Member Enid Pinkney: Spoke about her appreciation for Richard Heisenbottle and his expertise. Feels that he does admirable preservation work and deserves to be recognized.

Richard Cohen makes the Motion to approve the Special COA for the Biscayne Park Village Hall. **Paul George** seconded the Motion. Motion was approved by group vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Yes
Ronda Vangates	Absent

B. REQUESTS FOR DEFERRALS

Chair Novick: Asked if there are any requests for deferrals on either PH2 or PH3.

Dale Northrup, President of the Bay Harbor Club, 1155 103rd Street: We appreciate all of the focus that has been turned in our way in the last couple of months, but we would like to ask for a deferral of our designation to separate us from the Continental's focus. The 6 months will give us an opportunity to talk to our people to discuss this more in depth and everyone in our place feels that they have been a good steward of our building, we have maintained it in the same spirit as preservation would have wanted it to and feel that this short amount of time will give us a good opportunity to better understand the designation

Morris Broad, 1030 Hardee Road, Coral Gables, FL: Read into the record a letter dated March 31, 2015 from himself to Ms. Kauffman, requesting a 6-month deferral of the designation hearing for the Bay Harbor Club.

Chair Novick: Refers to his colleagues to move this request forward.

Ruth Campbell moved the motion to defer this item for 6 months. **Mitch Novick** seconded the Motion. Motion was approved by group vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes

JoEllen Phillips	Yes
Enid Pinkney	Yes
Ronda Vangates	Absent

**PH2. Historic Site Designation
Bay Harbor Club
1155 103rd Street
Bay Harbor Islands, FL 33154**

This item was deferred for 6 months as requested.

**PH3. Historic Site Designation
Bay Harbor Continental
1135 103rd Street
Bay Harbor Islands, FL 33154**

Chair Novick: addressed Mr. Neisen Kasdin, attorney representing the Bay Harbor Continental Board, asking how much time he would need for his presentation. **Chair Novick** agreed to give Mr. Kasdin 20 minutes to start with and then see if additional time was needed.

Sarah Cody, Staff: Presented the Staff Report and designation presentation on the Bay Harbor Continental. The presentation outlined the history and significance of the building, and also indicated that the Board would be hearing some claims of economic hardship, which they must consider when deciding whether or not to designate the property.

ECONOMIC HARDSHIP CASE AGAINST THE DESIGNATION:

Neisen Kasdin, Attorney, 1 SE 3rd Avenue: Represents both Bay Harbor Continental, a co-op and the owner of the property, as well as P3 Investments I, LLC the contractor of the property. He acknowledged that certain features of the building are architecturally significant, but that an economic hardship would be imposed on individual owners if designated. Additionally, it is financially and practically unfeasible to restore the building and bring it up to proper code to make it safely habitable. He also indicated that the new design from Pininfarina will incorporate MiMo design elements.

Mr. Kasdin addressed a number of procedural objections as to why the matter should not go forward at this time, including what he believes to be an invalid petition, a lack of notice and a lack of opportunity to be heard, the prior withdrawal of a previous designation report, and issues related to zoning.

Mr. Kasdin presented a report from ERF Construction Group, indicating the cost to repair the existing building is between \$150,000 and \$200,000 per unit.

Brad Rinzler, 201 Alhambra Circle, Coral Gables, FL: He is the Senior Project Manager with Odebrecht Construction, Inc. with over 30 years of experience.

He summarized his findings from a site inspection at Bay Harbor Continental, and reviewed the ERF report regarding the construction, renovating, and rebuilding of the Bay Harbor Continental at \$6.1 M. He noted that there are important issues that may have significant impacts, including extensive repair of the seawall that is in extremely poor condition; deterioration of the 57-year-old reinforced concrete building structure; flood and high-tide issues; life-safety issues related to emergency egress; lack of meeting current safety codes; and deficiencies in plumbing and electrical systems, which requires about \$255,000 to address. Based on his observations and review, the estimated cost with a magnitude estimate to address the issues raised between \$1.5 to \$2 M dollars.

Neisen Kasdin, Attorney: Reemphasized that in order to bring this building up to code in terms of life safety, city code, ADA, and so forth, would require an \$8M cost to be shared among the 35 shareholders.

Ron Wasson, 9665 Bay Harbor Terrace, Town Manager for Bay Harbor Islands: Anytime that a structure has more than 50% of the assessed value done on a building, a building would have to be raised above the flood plain, and that goes with any structure or renovation of the property.

Joel Reed, 1101 Brickell Avenue, 8th Floor, Miami, FL: Urban Planner and Designer for 14 years. Spoke on the economics of renovating and renting out the existing building, indicating that after expending about \$8 million on renovations and repairs, the potential average rental per unit would be about \$46,000, versus the value that is under contract, which is about \$471,000 per unit.

Neisen Kasdin, Attorney: Addressed the economic hardship on the individual shareholders, indicating that many of them are on a fixed income and cannot afford what would be required to adequately repair the building. Many of the owners have overwhelming personal needs, which require the sale of these units so that they can support their costs and are counting on this sale to occur. The building cannot be feasibly and economically used for any other purposes, but in addition, if the sale does not take place, a number of shareholders will be in extreme economic hardship. He then indicated that four of the shareholders would speak briefly as to their individual economic hardships.

Chair Novick: Indicated that Mr. Kasdin is given an additional 10 minutes and that other speakers should limit their comments to 2 minutes and 15 seconds each.

Robert Kolbert, 1135 103rd Street, Bay Harbor Islands, FL: He is the President of Bay Harbor Continental and a WWII Veteran and is the oldest resident of Bay Harbor

Continental. His parents bought the apartment two years after the building was built and has been visiting since his Mother passed away in 1985. He and his wife took possession of the apartment and they have lived through all of the problems. Most of the original offers the building has solicited and we had 86% of the shareholders in favor of the sale. We have a lot of personal economic problems as well as hardship in the building. We have people in nursing homes, with Parkinson's disease whom have been long time residents of the building and he is no longer making trips down here as he has permanent residence in New York. He is 85 years of age and can't make the trips to Bay Harbor Islands any longer because it is a hardship to come back and forth with a limited income and this building takes 1/3rd of his income. He hopes that the Board will consider everything and realize that the building maintenance could double or even triple and most of the shareholders in the building are elderly and can't afford to retain ownership of the building.

Kathleen Weinstein, 1135 103rd Street, Apt. A-4, Bay Harbor Islands, FL: Indicated that a letter from her was submitted with the economic hardship materials. She explained several personal issues that have led to major financial burdens and that if the pending sale does not go through, an undue economic hardship will be placed on her. She also spoke to the cost of renovating the building is beyond anything the co-op Board is able to finance. She indicated that the individuals who petitioned the Board are not really placed in a position of economic hardship if the designation does not occur, but rather they were unhappy with the tax structure associated with the sale and are operating out of greed.

June Lantz, 1135 103rd Street, Bay Harbor Islands, FL: 20-year resident of Bay Harbor Continental. She is a disabled senior citizen who, not by choice, is unemployed. The completion of the sale of said building is imperative as not to become homeless. I cannot stress enough the economic hardship it is for me. Would like to point out that there are more than 50% senior citizens that live at the Bay Harbor Continental and most of them are in dire straits. Asks the Board not to designate the building historic.

Chair Novick: Indicated the Mr. Kasdin had about 3-4 additional minutes for his presentation.

Neisen Kasdin, Attorney: Appreciates that the Chair is facilitating this discussion. There are additional statements and testimony that was handed to the Board and was included as part of the hardship affidavits. Mr. Kasdin called forward two professional architects who examined the building and the proprietary designation.

Laurinda Spear, Architect, 2900 Oak Avenue, Miami, FL 33133: Registered architect and landscape architect. She served on the County HP Board in the 1980s and designated a lot of properties. She stated that the architect, though an interesting and sad story, McKirahan is not a prominent or well-known architect. She further noted that the only architecturally significant element of the building is the concrete and glass block screens and perhaps the Board could preserve that screen and integrate it into a new

building. She spoke to the lack of a planned landscape design for the property. Given the economic hardship argument, she recommends asking the architect to preserve some attributes of the existing building in the new building design, rather than designate the building in its entirety.

Robert Chisholm, FALA, Architect, 4921 SW 74th Court, Miami, FL: Has been practicing architecture since the early 1970s and has a long background in historic preservation because, as an architect and urban planner, he was a member of the Miami-Dade County Historic Preservation Board. He was involved in the hiring of key historic preservation personnel, and in the creating of the Miami Beach Master Plan for the Art Deco District. He did the original restoration of the Biltmore Hotel in 1986 and a few years ago received an award from the Dade Heritage Trust. He spoke to the need to be realistic and to deal with the issues fairly. For example, the art deco movement is very significant in South Florida because of its high concentration of buildings of its type in this particular location and its content of the entire creation that goes with it. He spoke to the lack of uniqueness of this particular building, which he finds to be somewhat more of the same in that it was designed towards the end of the MiMo period and uses items and details that had already been used many times. Overall he finds the building and site plan not significant and unimpactful.

Neisen Kasdin, Attorney: Would like to briefly summarize by saying that any merit in terms of preservation is greatly outweighed by the income infeasibility, the pure cost of bringing it up to code and making it useful for any other purpose and the physical burden that it imposes on the owners of the building. If they have to undertake that cost, it will be impossible and unfair. For that reason we ask that you do not go forward. He indicated that in addition to the binder that summarizes this portion of the proceedings, that the Board also examine the rendering of the proposed new building, designed by Pininfarina, a globally-recognized Italian design firm.

With regards to incorporating the fine elements and features of the MiMo architecture in the building, he thinks there is a solution to end up with a great piece of architecture that will also have the to make the lives of those individual shareholders much easier and that it would be the fair thing to do.

Chief Kauffman: Mr. Chair for clarification, there is another economic hardship case that was submitted. You just heard the hardship case for the people who do not want the designation. There is another case that has been submitted by people who do want the designation.

Chair Novick let's hear the people speak that are against the designation first before we go forward with the other speakers. Chair Novick requested that those wanting to speak please focus on information outside of what Mr. Kasdin already presented. He requested that anyone wishing to speak against the designation, please state their name and present their position.

ADDITIONAL SPEAKERS AGAINST THE DESIGNATION:

Stephanie Bruder, 1281 94th Street, Bay Harbor Islands, FL: Is a Town Council member for the Town of Bay Harbor and also a property owner, though is speaking on her own behalf today, not on behalf of the Town. She feels that the Board has a very difficult job ahead of them, as the hardship arguments have been very difficult to watch. She understands that the architects are willing to include a piece of the MiMo era in their building, which is the ultimate goal and to keep MiMo alive, and that is the absolute goal by allowing the sale to go through and by allowing the architects to add that MiMo inspiration. On top of that, the Town of Bay Harbor is also impacted. The appraised value of the existing property in 2014 was \$3,842,000, the tax revenue to the County is \$67,319. The Bay Harbor tax revenue is \$10,771. The anticipated value of the new development is over \$108M dollars. The potential tax revenue is \$1,892,319. The Bay Harbor revenue is estimated at over \$300,000.

Chair Novick: Reminds speakers that they have 2 minutes each.

Morris Broad, 1030 Hardee Road, Coral Gables, FL: His Father was Shepard Broad, the founder of Bay Harbor Islands. Wanted to reference one point that there has been a major transition in Bay Harbor since the advent of students whom moved into Bay Harbor. We have over 1200 students there. Bay Harbor has migrated from an older community to a very young community. We now need larger units instead of smaller units and would follow what a visionary his father was. He would say including the 21st century, what these developers are now doing, is developing less units than what exists, meaning they are under the square-foot maximum provided by the Town's zoning, which is the first time that he has heard of a developer doing this. He is against the designation.

Jeffrey Koster, 1135 103rd Street, Bay Harbor Islands, FL: He indicated that he submitted a letter to the Board in the economic hardship submission and that the people that are going to speak for designation all signed the contract to sell. He feels the reason they submitted the petition to the Board is simply out of greed, because they aren't going to receive as much money as they originally thought. He also indicated that he was able to find a comparable property that he will be able to purchase with the money gained from the sale of the Continental.

Kathleen Kennedy, 9721 East Bay Harbor Drive, Bay Harbor Islands, FL: She was on the fence for this building because her mother was a long time resident of Bay Harbor Islands. When she went and met some of the older ladies, not too long ago, she walked through the building and could not believe what she was looking at. She is very sad to hear that these developers have been bullied in spending their money. There are some beautiful MiMo buildings in Bay Harbor and she is all for it saving those, but this building (the Continental) is in poor condition. She feels there are other great MiMo buildings, but this one in particular is not a good one.

David E. Gross, 1135 103rd Street, Bay Harbor Islands, FL: Is an architect with over 30 years of experience and lives in the building. He stated that one point needs to be emphasized here and that is the structural viability of the building. Since the building codes have changed drastically in the flood zone areas, this building is not equipped to be adapted to the 21st century. He does believe that there was an engineering test that showed that the slab itself would not meet the current code and is unsafe. Feels that the building is pretty, but there are much deeper issues here from the physical attractiveness of the building. Feels it goes into the safety and welfare of people's lives and also feels that landmark is a much deeper thing.

Paul Basile, 9240 W. Bay Harbor Drive, Bay Harbor Islands, FL: He works with the developer, in the interest of full disclosure, and he bought property on the island 10 years ago because of the MiMo structures. He is from Boston and appreciates, respects, and is not against historic preservation. He bought on the Town because of the character and is well-known in town for fighting development. However, he feels that this group is different, as they are planning to build a significant, beautiful building with low impact. He urged the Board to listen to the owners, and see what the Town is becoming before making a decision.

Chair Novick: Confirmed that there was no one remaining who wished to speak against the designation.

Sarah Cody, Staff: Indicated that some of the individual owners submitted materials to argue an economic hardship, and will be making a brief presentation.

Chair Novick: Confirmed that the economic hardship presentation could be made first, and then public comment in favor of the designation would be heard. **Maurice Kirksey** responded that he would need a few minutes, about 2 minutes, for his presentation.

ECONOMIC HARDSHIP CASE IN FAVOR OF DESIGNATION:

Maurice Kirksey, 1135 103rd Street, Bay Harbor Islands, FL: His mother is a unit owner in the building and he would like to take a moment to review some of the numbers. The initial purchase figure of \$16,500,000 would have paid my Mother around \$40,000 per share, initially. However, we eventually found out that the real number was only half of that amount. After the stamp surtax, broker commissions, and attorney's fees are taken out, that amount is lowered by almost a \$1M dollars. Other costs, such as mortgage value based taxes and withholdings for corporate expenses, reduced this amount almost an additional \$2M dollars. However, the damages in costs would be a corporate federal income tax, which will take out an additional \$5,413,465. Now this tax will reduce our per share evaluation by 50% to \$20,234.22. With an average amount of money received it's a \$242,811 for a 1 bedroom, which would be nearly impossible to purchase a similar home in Bay Harbor Islands where the average price for a 1 bedroom

is \$316,000. Now the economic impact of being forcibly displaced from their homes would be substantial because residents will receive below fair market value for their units at this point. He argues this is a classic case of gentrification, by displacing residents to make room for more development and he implores the Board to intervene today to make this a historic property and he believes that there are full-time residents that are being forced out by self-interested parties looking to make some fast cash. He also encourages the Board that any research presented by those with an invested interest in the outcome of these deliberations be weighed with a critical eye.

Chair Novick: Requested that Mr. Kirksey further clarify the tax implication.

Maurice Kirksey initially the co-op Board and law firm that was in charge of this transaction neglected to do serious due diligence with regards to the tax credit and when it was finally given to them, they realized that the amount that was going to be received was not going to be enough to find his mother a like apartment in the same neighborhood. The majority of the people that are in favor that have primary residences elsewhere, some out of the country, some inside the country, this is his mother's primary residence and so first and foremost in their minds, would like to find a like property with similar features and at the current price, that would be impossible. Again, this is a corporate surtax.

Chair Novick: Clarified with Mr. Kirksey that this is a corporate surtax because the building is a co-op, as opposed to a condominium.

Maurice Kirksey: Concluded his presentation with pictures of some of the units, where owners have invested money in renovating and maintaining their interiors.

Neisen Kasdin, Attorney: Requested that he be allowed to briefly cross-examine Mr. Kirksey at this time.

Craig Coller, County Attorney: Clarifies for the Chair that as this is a quasi-judicial hearing, it is like being in court. He indicated that everyone will be given the respect that is due when they are at the podium to speak, regardless of whether they are for or against the designation. He requested that the members of the public in the audience remain quiet and not shout out during the testimony. He further indicated that as a quasi-judicial hearing, Mr. Kasdin is entitled to cross-examination but that Chair Novick has discretion as to when that cross-examination happens. He may choose to allow the cross-examination on rebuttal of Mr. Kasdin or now, but he is entitled to cross-examination.

Chair Novick: Asked Mr. Kasdin whether he would be cross-examining each speaker. Mr. Kasdin replied no, so Chair Novick indicated he could proceed to cross-examine Mr. Kirksey at this time.

Neisen Kasdin, Attorney, cross-examined Mr. Kirksey: Asked Mr. Kirksey how many shares his mother owns. Chair Novick interjected, requesting clarification on how many

shares are typically owned, per unit. Mr. Kasdin clarified that each unit is 10 shares or more, depending on size of the unit. Mr. Kasdin also questioned if Mr. Kirksey was aware that the sale had been delayed due to tax issues, and if Mr. Kirksey is aware of the specifics of the tax mitigation plan. Mr. Kirksey indicated that he is aware that there is a tax mitigation plan that holds no certainty that the shareholders won't be held accountable for the full tax amount at some point in the future. Mr. Kasdin further questioned Mr. Kirksey about his knowledge of the specifics of the tax mitigation plan. In closing, Mr. Kasdin argued that Mr. Kirksey provided testimony related to the tax consequence of the sale, but yet he has not been able to testify as to the specifics of the tax mitigation plan about which he's talking.

Leonor Kirksey, 1135 103rd Street, Bay Harbor Islands, FL: Has been living in Bay Harbor Islands over 16 years and she bought a unit in her building due to the fact that this building was in good structural condition. She recognized that this building is a jewel on the island, the building has maintained itself, and the building has undergone over \$300,000 in renovations and the building, she feels, is in very good shape. Unfortunately, the maintenance company and the co-op Board have not kept much attention to the maintenance in the building. She feels that the building is in very good condition and is very pleased to live in the island. There are also a lot of elderly people that live in the building and would like the Board to consider that.

Enid Pinkney, Board Member: indicated that she needed to leave the meeting. Chair Novick confirmed with Staff that the Board would still have quorum if Dr. Pinkney leaves.

Paul Pellicar, 2717 NE 10th Terrace, Ft. Lauderdale, FL: He would like to present an article that was been passed out to the Board. This local architectural magazine has an article that describes why the architect Charles McKirahan deserves historic designation.

Carlos de la Torre, 1135 103rd Street, Apt. G-1, Bay Harbor Islands, FL: He reminded the Board that he was one of the parties that initially requested designation and then was served with a lawsuit because he petitioned the Board. Recently, he started to circulate a petition at the neighboring properties in support of the designation of the Bay Harbor Continental, but people were afraid to sign anything because felt that they were going to get sued. People in neighboring buildings also stated that if Bay Harbor Continental would actually be demolished, they would sell and move because they didn't want to live near a building with a huge footprint and would obstruct their views. He feels this shows the impact on the surrounding property owners. With regard to the economic hardship, he recognizes the arguments from both sides and feels it is not right to penalize people who have maintained and invested in their apartments to accept less than market value. He further stated that the fact is that this is a MiMo building, designed by Charles McKirahan. It is a beautiful building and a historical gem. The maintenance right now in the building is between \$312 to \$350 per unit, per month, and almost everyone in that building has paid off their apartment.

He provided further information that there is no longer 86% of the owners in favor of the sale and, in fact, there is now less than 75% in favor, which was the minimum required to approve the sale.

Brian Mulheren, 10245 Collins Avenue, Bal Harbour, FL: As a neighbor in Bal Harbour, Florida, he went to Bay Harbor yesterday and indicated you couldn't move from all of the traffic and feels that it is a beautiful community and should be preserved. He asked the Board to consider what happened in Sunny Isles, where development came in and destroyed the town. He feels the building should be preserved and money shouldn't be a factor. If people want to sell their units, they will be able to find buyers. He urged the Board to keep the Town's history and that this building truly is a gem.

Craig Coller, County Attorney: Reminded Chair Novick that even though he is limiting the testimony to 2 minutes each, we still need to give equal time to both sides. Since the other side was allotted additional time, if somebody needs to speak a bit longer in favor of making it historic, we need to give them extra time. He confirmed that so far, no one had been cut off, but wanted to clarify the time issue.

J. Bruce Ehrenhoft, Dade Heritage Trust, 190 SE 12th Terrace, Miami, FL: He is a member for the Advocacy Committee of Dade Heritage Trust. Dade Heritage Trust is the largest historic preservation in Miami-Dade County and it has been advocating to save our special resources for the last 43 years. He mentioned that a copy of DHT's 2014 list of the top ten endangered historic sites in Miami-Dade County has been submitted and that list included Bay Harbor Islands. Both the Continental and the Bay Harbor Club, which has been deferred, are historically significant as your staff documented, but have not been given historic designation. Other MiMo structures are all endangered. DHT urges the Board to protect these structures so that Bay Harbor will retain its unique amenities and unique character. Experiences have taught us that it can be economically beneficial in itself. Laura Lavernia, who is the new Executive Director for DHT, has asked him to add additional comments that the mid-century period for South Florida was a period of tremendous growth and retooling of collective identity with true modern architecture. Miami architects developed the language that made the South Florida environment. The same way that we recognize revivalist architecture of the boom from the 1920s, which led to great growth of this community, this period is equally worthy of merit, designation, and further study. We have structures for the public's benefit so that they can prosper specific pride and ask that they serve as an educational tool for the community and tell the story of Miami.

Frances Griffith (Mother) and Frank Griffith (Son), 1135 103rd Street, Apt #D-3, Bay Harbor Continental: Son spoke on behalf of his mother, Frances Griffith, who turned 87 years old yesterday. He is a native Miamian who grew up in Miami Beach and is sorry to see the destruction of this. He described the current state of Bay Harbor Islands as a war zone. He thought the intent of the HP Board was to prevent what is going

on with the island right now. He doesn't know what the master plan is for Bay Harbor, but you know it's going to be called Bay Charlotte. If you have been to Charlotte, North Carolina there is no historic preservation there. He comes from the banking world and all of these improvements can be refinanced and it can always be bought out. There are 35 units in the building, but there are only 18 permanent residents there. Those who spoke against the preservation are seasonal residents, except for one. He thinks that this should be taken into consideration as well and feels there are a lot of experts here today that have been paid and if he had the money, he would call a lawyer and architect and dispute everything that was said today. This will cause him an economic hardship because with the proceeds of the buyer's closing, his mother will have to move in with him because she will not be able to replicate what she has now. He is a native Miamian, native Floridian, and wants to preserve the building and wants his grandchildren to see that it is a beautiful building and it can be repaired.

Teri D'Amico, 9101 East Bay Harbor Drive, Bay Harbor Islands, FL: Someone spoke to the fact that the Bay Harbor Club and Bay Harbor Continental have been identified as some of the significant buildings in the East Island, but they have also appeared in dozens of publications all over the world representing MiMo, Miami Modern, architecture. Randal Robinson and Teri coined the term "MiMo" in 1998, in her home about a block away from this building because they were surrounded by these wonderful examples. In 2006, the State required a historic survey for the Town and the report recommended that the Town educate, give incentives, and integrate preservation into the town planning. Since then, the Town officials have been abusive and malicious and used misleading scare tactics on the residents, misinforming them on the benefits of restoration and preservation. They refused to even acknowledge the great potential or our architecture on the island, even after the National Trust. Both buildings are in District 3. They are in the north tip and south tip of the island. She lives on the south tip. It is completely zoned and these tips were supposed to be the divas of the island. They have the grandest views and have beautiful mid-century details and were designed by unbelievable architects at the time. She argued that the reasons for economic hardship are invalid and grossly exaggerated. She lives in a building same on the south side and her building repaired their seawall for \$220,000. You don't have to replace the seawall, you can repair it. They have TDR money and thinks that they have 9 TDRs that they can use approximately \$300,000 to \$350,000 that they can use towards this and of course you know that they can sell. They didn't show you what they are going to put into this place. You know I have been to a lot of meetings on this and if you could please pass around the elevation.

Craig Coller, County Attorney: Interjected that some of the Board members were speaking amongst themselves, off the record, about whether Dr. Pinkney could leave the meeting early. Mr. Coller stated that Staff confirmed there will be a quorum and Dr. Pinkney is welcome to leave she needs. Dr. Paul George indicated that he needed to leave in about 50 minutes, at 5:00 pm. Chair Novick encouraged speakers to sum up there comments so that the hearing could be concluded before Dr. George had to leave,

otherwise quorum would be lost at that point. Mr. Coller reminded Chair Novick that they need to give each side equal time, so he needs to be flexible on the 2 minutes. Chair Novick confirmed.

Teri D'Amico, 9101 East Bay Harbor Drive, Bay Harbor Islands, FL: If you can take a look at the proposed new building, they are claiming that this has MiMo style, there is nothing MiMo about this building and you can use all these combinations of features, but it doesn't make this a MiMo building. You can see how grossly massive this is and how it is going to affect the neighborhood, but our Town is protecting people that want to move, they are not protecting the people that want to stay.

Salomon Nehmad, 1135 103rd Street, Bay Harbor Island, FL: He is 83 years old and had advanced cancer. They are trying to sell the building and he doesn't understand all of the people that have come tonight to say bad things about the building. The building is like a rock. When he lived in New York, he was a building manager and there will always be problems in buildings. His building is a beautiful building and it needs fixing, but these are things that can be done. Doesn't understand what the other people are talking about that the building is falling apart, hasn't heard anything like that in his life. He asked the Historic Preservation Board to come look at the building floor, by floor.

Albert Nehmad, 18-05 215th Street, Queens, NY 11360: He came for this special meeting and also attending a meeting at the Bay Harbor Town Hall and have been attending these meetings to support the people in the building and to support his father, Salomon Nehmad. He feels the building is structurally sound - the walls are good around the water, the pool is good it needs TLC. He is a property manager and building engineer in Manhattan and the Bronx and attends to many different buildings. His professional opinion is that there is nothing wrong with this building, it just needs some repairs.

Tina Paul, 9225 Collins Avenue, Surfside, FL: If the owners want to sell their units they can. Selling their units has nothing to do with historic preservation of the building and the developer that wants to buy the building should not buy with the intent to destroy it. Someone will buy the building and restore it and honor its design and integrity. It is a desirable property and it is a beautiful property in Bay Harbor Islands and there is no need to tear it down.

Patricia Lawrence, 10350 W. Bay Harbor Drive, Apt. 2L, Bay Harbor Islands, FL: Lives two buildings down from this one and walks her dog every day and feels that this building is very beautiful. Doesn't know the architect and doesn't know if it's real MiMo or not, but the glass is beautiful, the breezeway blocks are beautiful, it's just her point of view that it's a very beautiful building. It looks old to her, but it appears to be well maintained. The neighborhood is filled with people that walk, ride bikes, and exercise. Almost everyone stops to look at the beauty of that building. She hopes that we will be able to preserve it.

Clotilde Luce, 301 Ocean Drive, Miami Beach, FL: MiMo has become extremely trendy with regards to the press. She speaks to the emotionality of what has been presented today. This has been presented as nice developers saving nice people. This building is unique and extremely valuable; it has great value and things that are not replicable anywhere else take on great value.

Lillian Hart, 1135 103rd Street, #C-2, Bay Harbor Islands, FL: Lives in Bay Harbor Continental and she is 80 years old. She bought her co-op because it was a good investment. The corporation owns the land. Now again she's caught in the middle of a problem. The owners are on one side and the historic preservation on the other side. Please be considerate of the senior citizens in her building like herself who want to sell to the investors to get out of this disturbing situation, please help us. Against designation.

Chair Novick: Thanked Ms. Hart for her comments and reminded the public speakers that the Board took comments from those against the designation already.

Name inaudible: Speaking on behalf of her mother, a 20-year resident of Bay Harbor Continental that was unable to attend the meeting due to a doctor's appointment. The stress of the sales being delayed has caused additional medical issues and she is against the designation.

Chair Novick: Interjected to remind the speaker that the Board is taking testimony from the other side now and that she had an opportunity to speak earlier and chose not to.

Alexander Adams, 36 Palermo Avenue, Coral Gables, FL: Speaking for himself and also part of the Dade Heritage Trust. He was previously the historic preservation officer for the City of Miami and also in Monroe County and now doing private consulting, preservation, and urban design. Historic preservation does not take away your zoning and that is a myth. Your rights and ability to build is still viable. They can come back to this board in the future to ask for additional square footage on the property. You know the Standards that the Secretary of Interior sets up. Historic preservation does place a high priority on the quality and not the quantity and it will insure that you would have a cohesive neighborhood because you do have the Secretary of Interior's Standards and historic guidelines. Even new corridors like Miracle Mile sets up architectural standards because they want that quality. He hasn't seen a historic district in South Florida that has lost money. Historic districts in South Florida have done very well all the way from South Beach to the socially economic areas across demographics from MiMo to Coral Gables to South Beach – it works. Unfortunately, we get into a lot of arguments about other things than what we are here for. This Board is really here to determine does it meet the Secretary of Interior's Standards; that's really what you are here to do. They can appeal to the commission and go to court. Other boards and courts decide economic hardships and other things. Your job is to designate criteria. The architect that originally spoke said that this has merit, but it is at the end of its time period. So please look to see if this indeed has merit and should it move forward.

Neisen Kasdin, Attorney requested cross-examination of Alexander Adams. **Chair Novick** granted the cross-examination.

Neisen Kasdin, Attorney: asked if Mr. Adams had physically examine the building, been on property, and looked at the physical condition of the building, as described by the expert testimony. Mr. Adams indicated that he is speaking about historic preservation in general across South Florida, not this specific building. Mr. Kasdin further questioned Mr. Adams' familiarity with the County Historic Preservation code and if it was true that the code provides that if economic hardship is established, that is a basis for not designating the building. Mr. Adams restates that he is simply urging the Board to look at the building on its architectural merits. When pressed, Mr. Adams states that he would leave interpretation of the code to the County Attorney.

Craig Coller, County Attorney: Interjects that if there is an issue with the ordinance, he will be happy to respond.

Neisen Kasdin continued his cross-examination, asking Mr. Adams if he has examined the code of the Town of Bay Harbor Islands including the zoning code and the building code to see what is required if they renovate this building? Mr. Adams stated that he has not reviewed the Town's code with respect to this particular building, but that he has worked in municipalities all across South Florida...and there is always a way to potentially add on to historic buildings.

Lisa Bortman, 10350 W. Bay Harbor Drive: She lives at Island Pointe and has over 80 signatures of people in the building that are against knocking down the Bay Harbor Continental. They are very afraid with regards to the new building that is going to be going up that is going from one lot line to another and all of the greenway is going to be removed. The building that they want to build should be on Collins Avenue. They've seen it a hundred times before it is going to ruin the integrity of Bay Harbor and all she have to say is please save this building.

Nina Korman, 1700 NE 105th Street, Miami Shores, FL: She's a journalist and author of the Charles McKirahan article in the current issue of Tropic magazine, there might be a misprint but she is the actual author. She is a Miami native and grew up across the bay from Bay Harbor Islands. She expressed disappointment in the remarks of Laurinda Spears, who wrote the introduction to her MiMo book. On the matter of hardship of the residents of the Bay Harbor Continental, she indicates that some of the people claiming hardship against the designation are wealthy. She has been working for an architecture firm since 2006 with Teri D'Amico. There was a 50-year survey of the buildings on the island and five of them were recommended for the National Register listing and 80 were recommended as local historic landmarks. She further explains the excitement of herself and Teri D'Amico when the Town provided them with a list of the original architects who designed on the island. They could not believe the names on the list. They knew this

was a special place, but they did not know that many of the original architects were people who are known on an international level, including Charles McKirahan. He wasn't just designing in South Florida. She indicated that the Town Council did not share in their excitement over the prominent architects who helped design in the town. Since that time, Bay Harbor has done zoning changes. Now buildings can cover 85% that's a lot. This building that is being proposed looks like it covers 85%, which is a lot and there is no room for a swimming pool aside from on the roof. Also in Bay Harbor there has been a Transfer of Development Rights program instituted and she doesn't feel that program is doing what it is supposed to be doing. She urged the Board to use their power to put a stop to what is going on in the Town.

Lisa Mann, 1135 103rd Street, Bay Harbor Islands, FL: She stated that a lot has been said on both sides, but asked the Board to focus on the building and not let the taxes and lawyers cloud their decision to preserve the building.

Craig Coller, County Attorney: Confirmed that the parties against the designation had their opportunity to speak already and asked Chair Novick to confirm if there were other parties wishing to speak in favor and that the Board needed to give them time to speak.

Joan Carney, 1135 103rd Street, Bay Harbor Islands, FL: She had requested someone to speak on her behalf, but instead came on her vacation time to come and speak before the Board. She feels the Bay Harbor Continental is beautiful and a unique retro building. She appreciates the way the building sparkles, the way the trees move, and the way the shadows cast. Asked the Board to please preserve the building.

Chair Novick: Confirmed that all those wishing to speak in favor had done so.

Ruth Campbell moved the Motion to close the public hearing. **Mitch Novick** seconded the motion. Motion was approved by group vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Absent
Ronda Vangates	Absent

Chair Novick: Deferred to his fellow Board members for discussion

BOARD DISCUSSION:

Richard Cohen, Board Member: This is without a doubt the most difficult issue that has come before us in my experience being on this Board. We have worked very hard as a Board and taken into consideration all sides of the story, we fully understand the implications and the repercussions here. We do believe in our mission that we have to take a narrow view at times and take recommendations from Staff as well as listen to the testimony from the public and make our determination whether or not the building or site meets the criteria and from what I have seen so far, it probably does.

However, the economic hardship aspect is a very important consideration that has to be examined very carefully. I truly believe that the speakers here on both sides have been sincere and there are implications on both sides of this issue and this is what makes it more difficult for our determination. In certain respects regarding economic hardship, this site in almost any set of circumstances and conditions, I believe, will always maintain a high level of value and that, in turn, plays into the difficulty of determining the hardship aspect, but I believe that everyone that spoke today does have sincere concerns. One of the things that we have tried to do as a Board in the past is try and find some common ground where satisfaction can be met from all parties.

We got a chance today to see the Pininfarina design and I felt that it had a lot of reminiscent characteristics and aspects similar to the building and has found in the past that there has been some situations where new buildings were designed to be reminiscent or buildings are built in complement to what was existing. I feel that it is possible that a compromise can be perhaps found with the developer that can maintain reminiscent aspect of the architecture and the design and maintain that degree of integrity. It could not be what it was, but it can be close and acceptable. More recently, I took a look at the Surf Club where the new building was built around the existing historic building and it complements it and there are other buildings around the country that complement historic structures. I would like to say that I recognize and all should recognize that historic preservation is widely documented to maintain value in a community.

I had three problems on objectivity with regards to the experts and engineers, but at the same time it didn't seem outside of general opinion and we did not have expert testimony to contradict the testimony about the condition of the building that was presented by experts today. Ultimately, I feel that the market place could resolve all of the concerns regarding the right level of price to make all of the owners willing sellers and again to work on a design plan that complements the existing facility and satisfy those concerns.

JoEllen Phillips, Board Member: I have concerns with regards to the economic hardship of the owners. There are some questions that are not answered right now and I feel that they should be answered and Rick just brought up some additional ones. Also, by seeing this lovely rendering, then hearing about the footprint there are just a lot of questions still that are here as far as being able to make a good determination. I'll go back to the question or

statement that Board Member Enid Pinkney raised awhile back and she said “what are we here for?” We are here for historic preservation, but that also goes hand-in-hand with the economy. I would like to ask the attorney please, if we defer what happens here?

Neisen Kasdin, Attorney: Interjected to clarify to Chair Novick that the new building is not covering 85% of the lot, it is 40% and would like to the Board to have the correct information.

Craig Coller, County Attorney: The question that is pending is what happens if you defer? If you defer to a date certain then there will be no further notice. However, if it is your intent to ask members that have made presentations to come back, it may require opening up the entire public hearing again if you choose to do that. I don’t know if what the purpose of your deferral is, but it can be deferred to a date certain. You’ve closed the public hearing, but based upon, if for example you ask Mr. Kasdin a question with regards to the cost and the hardship, then you are going to have to allow someone that is in favor of the designation to come up and say why they believe it is not a hardship. Just so you understand you can defer, but that may be the consequence.

JoEllen Phillips, Board Member: Indicated she would like to hear what the other board members have to say.

Dr. Paul George, Board Member: This, I have to say, has been one of the most difficult items I have had in about 18 years, but I also look at the criteria. This property does fulfil certain criteria that we look at every time that we judge a building. Tempers are hot and there are a lot of people involved in this, we have a lot of responsibility and asking about deferral because we need time to think it through, we have had a lot of information to look through. Mr. Kasdin is a friend of mine and there have also been a lot of people that have been very articulate on both sides of this issue and this is a very, very difficult situation. I feel that there is criteria that apply and I would like to designate the building at this point.

Ruth Campbell, Board Member: She feels that between what Rick and Paul said, that covers her concerns.

Chair Novick: I believe that we should move forward today with designation and believe that this is the Board’s charge. I believe firmly that the building meets the criteria for designation and we would be remiss if we should move in another direction, so with that I would entertain a motion to move forward with designation.

Craig Coller, County Attorney: Clarifies, that as the Chair, he would entertain a motion either way. Chair Novick confirms.

Ruth Campbell, Board Member moves to designate the property that we have seen today. She asked Staff to read the motion into the record.

Chief Kauffman: She (Ruth) would be making a motion to designate the Bay Harbor Continental as a historic site. **Chair Novick** that's right I would second it.

Eddie Kirtley, County Attorney: Suggested to Chair Novick that he include language in the motion to stay the moratorium, in the event of an appeal.

Chair Novick: Adds to the motion: if we should proceed with designation and the matter should be appealed, which is likely, we would request a moratorium to be put in place as part of our motion to protect the building from demolition and the decision of this Board would be stayed pending the appeal.

The motion was approved by roll call vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Absent
Ronda Vangates	Absent

IV. OLD BUSINESS – East Island Historic Resource Survey Results, Bay Harbor Islands

Chair Novick: We have one last item and addresses Chief Kauffman to see if she can make her presentation in 2 minutes. **Chief Kauffman** indicated no.

Eddie Kirtley, County Attorney: Reminded Chair Novick that members of the public are allowed to speak on the item and that a deferral may be in order.

Richard Cohen moved to defer the item for one month. Paul George seconded the motion. The motion to defer for one month was approved by group vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Absent
Ronda Vangates	Absent

V. PUBLIC COMMENT

Chair Novick: Requested comment from anyone on any agenda item that is not a public hearing.

Patricia Cohen, 9149 Collins Avenue: Asked for procedural clarification on how to get an item on the agenda.

Eddie Kirtley, County Attorney: If you need to get something on the agenda you need to speak with Staff about getting the item on the agenda. Once it's on the agenda, you can then speak at the meeting on the item

Dr. Paul George, Board Member: Chair, as a member of the Board, lets please go back to the issue of the Church by the Sea and the Bal Harbour Shop expansion. Where is that at this point? Is or was there a contract on the part on the church property or all of the church properties. That is something that has come up again and again and I've seen people from one side waiting to speak their mind on it and we haven't addressed that at all.

Staff requested that the attorney representing those properties step forward and speak on the issues.

Dr. Paul George, Board Member: I would like to get that on the agenda, not so much for a designation hearing, but try to get a status at the next meeting to find out where are we with that item. About two or three months ago, there was a lengthy discussion on the Church by the Sea and the Bal Harbour Shops expansion and there were many residents here speaking about the Church by the Sea and believe that the attorney was present as well and I believe that it got pushed to the side. I'm just wondering where we are with that contractually and the proposed sale, where are we at this point?

Amy Huber, Attorney for Church by the Sea and Bal Harbour Shops: We are currently in the middle of the zoning process with the Village of Bal Harbour.

Dr. Paul George, Board Member: Will that be an issue that will come up before us, since we have previously heard from both sides, including the expansion side, and at least some representatives from the church.

Amy Huber, Attorney: Clarified that there were no representatives from the Church. The representatives of the Church have never stopped or requested that the church be designated. Further, the few people that did speak, requesting that the church be designated, are not members of the congregation. Only one of those people are of the congregation. So just to be clear, the Reverend of the church and leadership have not sought or made a request of designation of the Church by the Sea.

Dr. Paul George, Board Member: I recall though that there were people that were pushing for designation.

Amy Huber, Attorney: Clarified that only one member has spoken. The other people who have spoken previously are not part of the congregation; they are just residents of Bal Harbour.

Lynne Bloch Mullen, 10150 Collins Avenue, Bal Harbour, FL: She has been with the church and has lived in Bal Harbor for 15 years and a member of the church for 15 years. She served on the board for 6 of those years until the new administration came in. Would like to bring us up to date on a couple of things or should say clarify a couple of things. You have all heard about the vote that was 107 for the church and 14 votes against. 121 people voted in all, but they keep forgetting to tell you that in 2012 that vote of 121 people was out of 434 congregants. At that time there were no proxies sent out. There was nothing done to encourage additional votes pro or con. The second thing that you should be aware of is I think that the Church by the Sea is extremely wealthy. We have over \$20M dollars. They are perfectly able to build within the church anything that they need or want. This is not a done deal there is no way it could be, the Church has no option with Bal Harbour Shops, they have not sold the church. The Church is dependent completely on the Town Council's approval on all the things that the shops want to do with their expansion. After all that is said, I don't think it is a church issue I think it is a Bal Harbour issue. That church is part of our history; it's been there since 1946. If you question anything that I have said, I invite you to get a copy of the option agreement.

Eddie Kirtley, County Attorney: Just want to remind all board members that the Church by the Sea is not on the Agenda today and we don't want to get too far into the weeds here and we might have a discussion item at a future time then we can get that on the agenda.

Dr. Paul George, Board Member: Mr. Chair, I bring it up again, because going back about three months, it seemed like a pending and potential issue and it was kind of on the wayside. In all honesty, I have heard from members who are looking for preservation status on the Church by the Sea, but I am not pushing for this, just want to know if we are going somewhere with it or not or what has happened to it just to satisfy the public because the public has a right to know.

Chief Kauffman: Asked the Board to clarify if they would like this as an item on next month's agenda.

Dr. Paul George, Board Member: I would think so, but not going forward with designation at that point. For me, it's more like a discovery item. I really don't know what is going on, but sometimes I get messages as to the status of what is going with this item and for me it is still a wide open issue. Seemed like it was more organized a few months ago than it is today and very unclear about it.

Chief Kauffman: We can put it on next month’s agenda as a discussion item, at the request of Dr. Paul George. We will make sure that the attorneys are aware of the discussion item and will make sure that all parties are aware and anyone that is interested in having that conversation with the Board will be able to come.

VI. NEW BUSINESS

NB1. Chair’s Report

Chair Novick has nothing additional to report.

NB2. Director’s Report

Chief Kauffman: I’m sorry to tell you that one of other great board members, Edmundo Perez, had to resign from the Board because he has a new job that would not allow him to get to the board meetings. **Chair Novick** now we have several empty seats. Do we need to speak with the Commissioners? **Chief Kauffman** confirmed that our office notifies Commissioners that have empty seats on the Board. The Board and Staff can recommend people, but the Commissioner makes the ultimate decision.

VII. ADJOURNMENT

Dr. Paul George moved the motion to adjourn. **Richard Cohen** seconded the motion. Motion was approved by group vote.

Gary Appel	Absent
Ruth Campbell	Yes
Adriana Cantillo	Absent
Rick Cohen	Yes
Paul George	Yes
Mitch S. Novick	Yes
JoEllen Phillips	Yes
Enid Pinkney	Absent
Ronda Vangates	Absent

Chairman Mitch Novick adjourned the meeting at 5:04 pm.

Kathleen Kauffman, Historic Preservation Chief
Office of Historic Preservation

Date