

## SUMMARY MINUTES

Regular City Commission Meeting  
Tuesday, March 22, 2005, 7:30 p.m.  
City of Sunny Isles Beach, Florida

**ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.**

### AGENDA

**1. CALL TO ORDER/ROLL CALL OF MEMBERS**

The meeting was called to order by Mayor Edelcup at 7:31 p.m., with the following officials present:

Mayor Norman S. Edelcup  
Vice Mayor Lewis J. Thaler  
Commissioner Roslyn Brezin  
Commissioner Gerry Goodman  
Commissioner Danny Iglesias

City Attorney Lynn Dannheisser  
City Clerk Jane A. Hines  
Planning and Zoning Administrator Jorge Vera

**2. PLEDGE OF ALLEGIANCE/INVOCATION**

*Action:* Clifford Schulman, Esq. led the Pledge of Allegiance to the flag, and Reverend Will Keiser gave an invocation.

Mayor Edelcup gave opening remarks of decorum.

**3. APPROVAL OF MINUTES**

*None*

**4. ORDER OF BUSINESS (Additions/Deletions/Amendments)**

**4A.** Request to Hear Items.

**5. SPECIAL PRESENTATIONS**

*None*

**6. ZONING - ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS.**

**6A. Request of Benge Enterprises, Inc., LSB Investments, Sunny Isles Beach Entertainment Corp. and Franco Posteraro and Domenico Figlia, Owners of the Property Located at 150 – 260 Sunny Isles Boulevard, Sunny Isles Beach, Florida, for the Following:**  
[Hearing #Z2004-07] (St. Tropez on the Bay)

1. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations, the applicant is requesting to transfer 12,023 square feet of development rights and 65 units. (An adjustment to be made for a decrease of 112,905 square feet and 65 units from the City's Transferable Development Rights Bank).
2. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the applicant is requesting a site plan approval for three 19-story, 285-unit condominiums.
3. Variance of Section 265-37 requiring the penthouse portion (top 3 floors) of the buildings to setback an additional 20 feet from the tower; to waive same.

Protests   0        Waivers   0        Ex-Parte   0  

**Action:** City Clerk Hines read a disclaimer for the Zoning hearing, and read the applicant's name, hearing number, location and then administered the oath to the witness for the Zoning hearing.

**Public Speakers:** Clifford Schulman, Esq.; Kobi Karp; Joe Milton; Marianna Talalaevsky; Mary Ann Eicke; Michael Hirsch; Doris Kline; Teresa Lewis

Cliff Schulman, Esq., representing the applicant, reported that this is the first project in the Town Center, which is on the south side of Sunny Isles Boulevard. He said it is approximately three acres but it is somewhat unique because it is a very narrow piece of property, about 200-feet wide coming off from Sunny Isles Boulevard, which was a challenge to come up with the development of a mixed-use project. Mr. Schulman noted that the project basically consists of three buildings, 283 residential units, one 19-story building, two 20-story buildings all within the height limitations. Mr. Schulman introduced Architect Kobi Karp who presented a scale model and renderings of the project. He said it provides a substantial amount of pedestrian accessibility, plazas, fountains, and lighting, and it becomes an interactive facility. Mr. Schulman said that they have also provided for the public not only to be on the street side of Sunny Isles Boulevard, but they also have a penetration of the building for the public onto the waterside. He said there will also be a waterside arcade that will be there so they are utilizing the best of Sunny Isles Beach, the Streetscape and bring people to the water to allow them to have a promenade. He stated that they have no objections to the staff conditions, although he said that one or two of them erroneously referred to each access easement being provided by this developer, but once those are changed they have no objections to the staff conditions.

Planning and Zoning Administrator Jorge Vera reported that staff recommends approval of this application. He said under request No. 3 which is a variance that is being requested the top three floors not to set back an additional 20-feet which is part of the Code. He reported that after a review of it they understand that it is not a variance that is substantiated but staff believes that overall it works well with the Town Center.

Commissioner Goodman asked about the design, the four entrances one on the left, two in the center, and one on the right, driveways to get into the building. Architect Kobi Karb presented renderings and asked the Commission to look at page A201 of the site plans. Commissioner Goodman said there will be parking for the commercial property and for people that live in the building will come through the main entrance and park in the garages, and Mr. Karb said that is correct. Commissioner Brezin said that we worked long and hard planning the Town Center and in making the decision about the southern side of 163<sup>rd</sup> Street that we were dealing in the birthday cake effect. She said the building is beautiful, however, her concern is if we grant this variance, it would set a precedent and that would mean that we are no longer dealing in the birthday cake effect, our pedestal, our tower, and our penthouse. Mr. Schulman said that when you are dealing in abstract with an ordinance and then you try to apply it to a piece of property, you have to mix a number of items, one is the intensity of the development which you permitted and that is the type of activity you want to take place, then you have to take into account the size of the property and the width of the property in order to make that happen, and you put it together and then you start coming into the reality of a real project and how it really works. He said that they have set back this building in the pedestal and have not made this pedestal as high as they could have because the pedestal is the one that really confronts the pedestrian, they have a four-story pedestal, and that they could have gone up to five stories. He said he has stayed within the height which was permitted, and are only at the 190-200 feet level, but what they ran into at the FAR and the bonus, and the TDRs, with that setback you can't economically develop the property without making some modifications. Mr. Karp said that the buildings are not square they have a unique shape to them, they made them into unique triangular shapes, which not only maximize the view but also maximize the open space and the negative space between the buildings, so when you arrive from Sunny Isles Boulevard from the bridge what you see is faceted parts of the building, and the skinny side of the building. He said they took the wedding cake concept a step further and made it even a better and stronger design on the towers themselves. Mr. Schulman said that they also separated the buildings more than the Code allows, they are only required a minimum of fifty-foot separation between each of these towers and they are at approximately 70-75 feet, a wider view corridor between the buildings than the Code basically permitted.

Vice Mayor Thaler said he has three points: 1) we gave them a variance from 190-200 feet, and Mr. Schulman said that they had 190 feet and would be allowed 200 feet if they narrowed the building but they didn't have to narrow the building; 2) that we had two meetings prior to that on this variance where we elected not to move the top keg piece from 20 feet to 35 feet back which is what Mr. Schulman came back and asked for a variance on, and there were two meetings on that and this Board voted 4-1 that we did not want that put up on that building; and 3) the handicapped parking is, he believes, underestimated, he has not been able to prove that but he believes it should be either nine or ten handicapped spaces not eight. Mr. Schulman said they will meet the handicapped parking requirements, when they had various meetings regarding theoretical projects and not real projects, and what the Commission was looking at was rectangular blocks, and these are not and that have tried to do something other than the ordinary and come up with a unique architectural design. Vice Mayor Thaler said that looking at it he doesn't see where on top going from 20-35 feet does anything except perhaps give them another apartment on each building. Joseph Milton said the unit count doesn't change at all whether he has that setback or not, he could have widened the building or increased the pedestal to five stories to make up the unit count, so really the unit count is not

being changed, the consideration for doing the setback up top was to do this unique design that would not only put this building further away than the required setback is today, it would feel lighter on the street. Commissioner Iglesias said that engineering is site specific, you can't generalize it, so the fact that we approve a variance, doesn't mean we will approve a variance someplace else. He said in this particular case, what Mr. Milton said is correct, you have certain balance, and when we did the Town Center, we wanted to develop a standard, but a standard means exactly that, the standard way that you design, it is not sites specific, and occasionally you have to come back and provide for a variation in that design, and regarding Commissioner Goodman's comments on egress and ingress, the ultimate say is from FDOT, because it is a State road. Mayor Edelcup asked if the lighting on the pictures are incorporated within these plans, and Planning and Zoning Administrator Vera said that the lighting and landscaping will coincide together with our Streetscape that we are doing along Sunny Isles Boulevard.

Mayor Edelcup said we are listening to this tonight and are ready to take some action but there are a couple of things that our Code requires us to do that we won't be able to complete tonight so we will wind up continuing this because our Code requires that at the time of the site plan approval that the TDRs are agreed to as to purchase price, and within three days from the time of approval that there is a 10% deposit. Mr. Schulman said that staff indicated that the Commission would be approving tonight, the acceptance of this as a receiving site for purposes of receiving the TDRs but that a subsequent application would have to be filed and approved for public hearing, and this is condition No. 6 of the recommendation. Mayor Edelcup said he believes that staff was in error if that is the condition that they set down because our ordinance very clearly states that we cannot approve it unless we are approving the TDRs, the price, and the 10% payment within three days from approval, so he said he is not saying that we are not going to approve tonight but all that he is saying is that those are conditions that are going to have to be put on, and Mr. Schulman said that the conditions would come back to the Commission for that, and Mayor Edelcup said they would have to come back within 30 days because he doesn't want this to be a situation where you get conditional approval up here and then the TDRs thing is setting out there for three months to two years, it all has to be tied in together. Mr. Schulman said they submitted their appraisal at the time of their application. Planning and Zoning Administrator Vera said that the appraisal has to come from the City, they have ordered it, and it should be here any time.

Vice Mayor Thaler said that there is something else missing, and that is the color. He said we have a relatively new ordinance that was put into effect that we get here the color at the same time and he has not seen it, the color and some swatches. Mr. Milton said they have met with staff and all of the colors specifications that are in the Code are the ones that they are following. Mayor Edelcup said if it was in the documents, the pictures are not part of the record. Mr. Schulman said if the Commission would like to add a condition that at the time they come back on the TDRs that they will bring the final color palette back. City Attorney Dannheisser said that they could make all the drawings a part of an exhibit, and Mr. Schulman said yes they can do that and that would take care of the lighting and the color.

Mayor Edelcup opened the public hearing. Doris Kline said she was concerned about the traffic in that area as a pedestrian and driver, Mayor Edelcup said one of the reasons they designed in the Town Center, the colonnade area, was to create a wider plaza for people to be able to walk, so we are addressing the safety and convenience of people being able to walk by

creating not only a outside plaza but a colonnade covered plaza, and as it relates to the vehicular side, there is no easy answer, it is part of the tradeoffs that we have to examine. Commissioner Iglesias said that is correct, people want traffic to move, and pedestrians want to get across Collins Avenue, traffic is something we have to live with, FDOT is looking at other solutions, mass transit, there is no easy solution. Ms. Kline suggested putting a light at Oceania where we are trying to get out to make that U-Turn. Commissioner Iglesias said that a traffic signal request would have to be made from the FDOT, they would have to look at it, it has to be warranted, it has to be placed within a certain distance of the intersection, which is 163<sup>rd</sup> Street, and it is not simple, there is 7-10 different signal warrants criteria that must be met before a traffic signal is warranted. He said the final say is FDOT, and that he would bring it up.

Mayor Edelcup asked City Attorney Dannheisser on some instruction on how to proceed, we still have to have a hearing for the TDRs and the other conditions, is it best that we continue this until that takes place or should it be conditionally approved? City Attorney Dannheisser said that the Commission recently revised the TDR ordinance such that we have to identify the sender site, and that would be the City with the receiver site, and within three days of the approval a 10% deposit or down payment must be made, if you wish to comply with that provision then you would have to continue the hearing until we get the appraisal, Mr. Milton will agree to the amount and we would do it from there, but in fairness, this was not part of the recommendation and she said that whenever this was written there was not a recognition that that change had occurred. Mayor Edelcup said that it was an oversight in preparing these documents. City Attorney Dannheisser said that she didn't get a chance to review it before it went into the packet, so if you want to comply you have to do that, or you can say that you will approve the site plan subject to bringing it back for the next meeting, whenever we get the appraisal done, and then everybody would be on notice that the procedure is going to change, it is all going to happen at the same time. Mayor Edelcup said we can clarify that the only issue outstanding to be presented at a future time would be the TDRs. Mr. Schulman said he had given the color palette and incorporated that into the approval, and Vice Mayor Thaler said that he wants to see the swatches. Mayor Edelcup said that would be two things, the color palette needs to be presented to us, and the TDRs have to be agreed to as to price. Mr. Schulman said with approval tonight subject to the condition that those two items come back before the Commission, and Mayor Edelcup said he would like to continue it on that basis. Commissioner Goodman said we can set a date of April 14, 2005 to finalize this and come up with the 10% deposit and the colors, and Vice Mayor Thaler noted that we also need a clear indication of the handicapped spaces. Mayor Edelcup said that we should continue it not approve with conditions, and City Attorney Dannheisser said in the future we have to do it the way our ordinance says, but she said in fairness to this applicant, and Mayor Edelcup said that we should adhere to the laws that we put on our books, and the law really requires us to continue it and not approve it at this point. Mr. Schulman said if it is not approved tonight it will freeze the project. Commissioner Brezin asked what hardships this would present to the applicant to defer it to the next meeting. Mr. Milton said his whole procedure starting with the plans and getting them to the Building Department for approval is frozen, he cannot do anything with the plans until he has permission from this Commission, they have come today and have met all requirements of staff. Commissioner Brezin asked City Attorney Dannheisser if she was conceding that staff was at fault and that is the reason why, and City Attorney Dannheisser said she was not given the recommendations prior to their publication in the agenda, she received it at the same time as the Commission did, had she seen it she

would have reviewed it because our TDR Ordinance has changed, she would have been able to compare the latest version with what was in here, and it was the Mayor who raised the issue with her when they met prior to this meeting, so to comply with the ordinance you would have to continue it, but what she offered was that in light of the circumstance, the Commission could choose to waive that procedure, to give a resolution now subject to, and come back hopefully at the next meeting, because she understands that the appraisal was ordered and should be here any day. Commissioner Iglesias said that the bottom line is what is the harm in approving it right now with those conditions that they have to come up with at a later time anyway, it is senseless delaying it. Commissioner Goodman said that they have approved things with conditions, and if the conditions are not done, then it would stop, so we are telling them if they don't come up with the conditions by April 14, 2005 then it stops. Mayor Edelcup said that it is important how we establish that if we grant the conditional approval it had nothing to do with the mistake, it only has something to do with that the petitioner did not come with everything that he was required to come with whether we pass it conditionally or not that should be on the record, that we are not ignoring the fact that he didn't make the presentation that is required by the law and in the future for any other petitioners coming before us they should not feel that they can come before us on a TDR issue and give us a two-part site plan approval, that is the law that we said we didn't want to have, we wanted to always have the site plan approved, the TDR issue totally resolved, and a three-day 10% deposit on that TDR, he said that there is some confusion here, but he wants to make it perfectly clear that if we excuse it here, that is not to be taken as an interpretation by any of the proponents that will come before us in the future that we will feel the same because it is certainly being addressed today what is required to come before us, and that is the only point he is trying to make.

Commissioner Iglesias moved and Commissioner Brezin seconded **a motion for approval, subject to the additional conditions that the money is there, verification of the parking lot, and the color palette, by April 14, 2005.** City Attorney Dannheisser said she would like to bring the approval resolution back to the Commission on April 14, 2005 as ministerial. Planning and Zoning Administrator Vera said that in Condition No. 4, we are going to take away, “including but not limited to beach access easements, 10-foot landscaping streetscape easement for Streetscape”, but we will replace it with “for pedestrian access to and from the bay walk”; and under Condition No. 5, take away all but “Maintenance for such easement parcels proffered to the City, shall be the responsibility of the applicant, including 24-hour valet parking services for owners and guests, among other things.” Resolution No. 05-Z-91 was approved by a roll call vote of **4-1 (Vice Mayor Thaler against) in favor.**

**Vote:** Commissioner Brezin yes  
 Commissioner Goodman yes  
 Commissioner Iglesias yes  
 Vice Mayor Thaler no  
 Mayor Edelcup yes

**6B. Request of Triumph Development LLC, Owner of the Property Located at 220 180 Drive, Sunny Isles Beach, Florida, for the Following:**  
 [Hearing #Z2004-01]

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations,

the applicant is requesting a site plan approval for six 6-story, 17-unit condominium.

Protests  0  Waivers  0  Ex-Parte  0

**Action:** City Clerk Hines read a disclaimer for the Zoning hearing, and read the applicant's name, hearing number, location and then administered the oath to the witness for the Zoning hearing.

**Public Speakers:** Stanley Price, Esq.; Hervin Romney; Scott Carson

Stanley Price, Esq., representing the developer Mario Famada, reported that this is a variance free building, built in total accord with the Land Development Regulations, and are seeking no relief, no TDRs, no bonuses, and that they have designed a building that meets or exceeds every one of the thresholds. He said it is completely surrounded by RMF2 zoning and they are seeking RMF2 Zoning, and his client has retained the services of Architect Hervin Romney. Mr. Romney said that the design of the building was based on the City's regulations, the orientation of the building is very interesting because north south is on the diagonal with it, and that determined the location of the recreation court and then the layout of the entry and parking gave them a shape of the building. He showed a rendering of the building, it is mostly white and they have the use of pastel tones for the balconies and the elevator and tower which is to the rear adjoining the recreation court.

Planning and Zoning Administrator Jorge Vera reported that staff recommends approval of this site plan. He said that it is a 17-unit development with parking underneath and staff felt that it mixed well with the remaining adjoining properties since everything around it is six or seven stories. Commissioner Goodman said that he noticed that they have 26 parking spaces, a multi-family dwelling is 1.5, which comes out to 26, is there any guest parking there, and Mr. Price said the 1.5 takes into consideration for guest parking. Commissioner Brezin asked what the open space was, and Mr. Romney said there is a landscaping buffer according to regulations and there will be shrubbery, a variety of planting, street trees along the façade and there are palms along the sides and rear, and trees in the back to provide a shading element for the west side of the pool deck. He said there is a recreation deck with a pool and on the second floor there is an exercise room and reading room for the residents, and two apartments, and the other floors have six apartments.

Mayor Edelcup opened the public hearing. Scott Carson said he is concerned about the truck traffic, increase in dust and pollution, and the high amount of noise during the construction process. He said there should be no construction on weekends and during the week 7:00 a.m. is too early in a small neighborhood area. He said the dust and pollution causes respiratory distress, and no trucks should come in to deliver construction materials before 9:00 a.m. or at night. Assistant Administrator Robert Solera of Building and Code Enforcement & Licensing Departments, reported that the City has requirements and times of operation for construction sites in terms of any type of noise for deliveries and noise for equipment. He said on Saturdays construction noise is permitted from 9:00 a.m. to 5:00 p.m. and not at all on Sundays, and if they want to go beyond those hours they need to go to the City Manager's Office, Zoning Administration, and adjacent neighbors for approval. He said that all construction sites during demolition, etc., are watered down to control the dust and there are strict regulations on parking. Mr. Carson said who is going to enforce this, and Mayor Edelcup said that there is going to be random Code Enforcement checking at different times

and days, and if anyone sees anything to call him or one of the Commissioners and they will follow through on any violation.

Vice Mayor Thaler moved and Commissioner Iglesias seconded **a motion for approval, subject to staff conditions. Resolution No. 05-Z-92 was approved by a roll call vote of 5-0 in favor.**

**Vote:** Commissioner Brezin yes  
 Commissioner Goodman yes  
 Commissioner Iglesias yes  
 Vice Mayor Thaler yes  
 Mayor Edelcup yes

**6C. Request of Maria I. Ros, Owner of the Property Located at 225 - 179 Drive, Sunny Isles Beach, Florida, for the Following:**  
 [Hearing #Z2004-10]

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the applicant is requesting a site plan approval for six 6-story, 17-unit condominium.  
**(Deferred by Staff)**

**Action:** Planning and Zoning Administrator Jorge Vera announced that this item is deferred to April 14, 2005.

**7. ORDINANCES FOR FIRST READING**

*None*

**8. PUBLIC HEARINGS (Other than Ordinances for Second Reading)**

*None*

**9. ORDINANCES FOR SECOND READING (Public Hearings)**

- 9A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 33-3 (E) (4) of the **Ethics Code of the City of Sunny Isles Beach to Require Disclosure of Any Gift Having a Value in Excess of \$100.00**; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.  
 (First Reading 2/10/05 – Deferred from 3/10/05)

**Action:** City Clerk Hines read the title, and City Attorney Dannheisser and City Attorney Dannheisser reported.

*Public Speakers:* none

Vice Mayor Thaler moved and Commissioner Goodman seconded **a motion to adopt the ordinance. Ordinance No. 2005-224 was adopted by a roll call vote of 4-1 (Commissioner Iglesias against) in favor.**

**Vote:** Commissioner Brezin yes  
 Commissioner Goodman yes  
 Commissioner Iglesias no  
 Vice Mayor Thaler yes  
 Mayor Edelpcup yes

- 9B.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Implementing the Provisions of Section 286.0115, Florida Statutes, to **Establish a Procedure Governing Ex Parte Communications with Local Public Officials Concerning Quasi-Judicial Matters**; Providing Adoption of Quasi-Judicial Hearing Procedures; Providing for Severability; Providing for Repealer; Providing for an Effective Date.

(First Reading 2/10/05 – Deferred from 3/10/05)

**Action:** City Clerk Hines read the title, and City Attorney Dannheisser and City Attorney Dannheisser reported.

*Public Speakers:* none

Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to adopt the ordinance. Ordinance No. 2005-225 was adopted by a roll call vote of 4-1 (Commissioner Iglesias against) in favor.**

**Vote:** Commissioner Brezin yes  
 Commissioner Goodman yes  
 Commissioner Iglesias no  
 Vice Mayor Thaler yes  
 Mayor Edelpcup yes

**10. RESOLUTIONS**

- 10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Purchase of Interior Signs for Government Center from 2/90 Signs Systems**, in an Amount Not to Exceed \$48,508.21, Attached hereto as Exhibit “A”; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

**Action:** City Clerk Hines read the title and Planning and Zoning Administrator Vera reported that this is for all the interior signage for City Hall, including the emergency signs, and is approximately 320 signs. Commissioner Goodman asked about the cost of electricity and Planning and Zoning Administrator Vera said that the lights that we have are energy-efficient lights throughout the City, and that this is under the State contract.

*Public Speakers:* none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-783 was adopted by a voice vote of 5-0 in favor.**

## 11. MOTIONS

*None*

## 12. DISCUSSION ITEMS

*None*

## 13. CITIZENS' FORUM: REQUESTS, PETITIONS & OTHER COMMUNICATIONS

**13A. Add-On:** Lou Laermier discussed beach chairs are on the beach from the buildings to the ocean, and you cannot rent them unless you are a resident of the building.

**Action:** Assistant Administrator Robert Solera of Building and Code Enforcement & Licensing Departments, reported that the City has regulations on what can be maintained under the recreational and open spaces which would be considered the beaches, and they cannot have them beyond the closing time for those recreational and open spaces. Mayor Edelcup said that Mr. Laermier is raising a good point and something we should take a look at to see that we never reached the point in which residents who live either on the east or west side have totally consumed the beach to the point where another resident has no space. Commissioner Iglesias said that the beach is public and anybody can put any chairs wherever they want, and that we cannot regulate the beach because it is under Miami-Dade County.

Commissioner Goodman said that he understands that anybody putting out chairs on the beach and are unoccupied, Miami-Beach has an ordinance that anybody can sit in them, is there such an ordinance in Dade County? Mayor Edelcup asked Commissioner Goodman to call Miami Beach and if we can we will adopt something and asked him to take that on as a mission, and Commissioner Goodman said he will try to find out. Mayor Edelcup said that if Miami Beach does not have it, that we can still pass a resolution suggesting the appropriate agency look into it and come up with something.

Mr. Laermier also noted that during the construction of the various towers that are going up, it seems like the development sites seem to be encroaching on what was previous not the property of the motel, it seems to be spreading out further from the previous property line. Mayor Edelcup said that maybe the former owner may not have used to the extent that he could have, so it would give the appearance that they are encroaching but our people are making sure that is not happening, they have to build within their own property lines.

## 14. ADJOURNMENT

Commissioner Iglesias moved a motion to adjourn the meeting, and Mayor Edelcup adjourned it at 9:30 p.m.

Respectfully submitted by:

Approved by the City Commission on April 14, 2005

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Jane A. Hines, City Clerk

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Norman S. Edelcup, Mayor