

SUMMARY MINUTES
Regular City Commission Meeting
Thursday, September 8, 2005, 7:30 p.m.
City of Sunny Isles Beach, Florida

<p><u>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.</u></p>
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AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 7:32 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 Manager Christopher J. Russo
City Attorney Hans Ottinot
City Clerk Jane A. Hines
Planning and Zoning Administrator Jorge Vera

Mayor Edelcup gave opening remarks of decorum.

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Loretta Mufson and her son Nicholas of the North Miami Beach Optimist Little League led the Pledge of Allegiance to the flag. Richard C. Schulman gave an invocation.

3. APPROVAL OF MINUTES

3A. Regular City Commission Meeting – July 14, 2005.

Action: Vice Mayor Thaler made a correction on page 13 second paragraph from the bottom to read Vice Mayor Thaler asked ~~what the City~~ how many TDRs...

Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to approve the above-mentioned Summary Minutes as amended. The motion was approved by a voice vote of 5-0 in favor.**

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

4A. Request to Hear Items: Hear Item 12A (Beachwalk), 12B (Jazz Fest) and 10D (Crescent Heights) before item 7A; new request by Jazz Fest to defer 12B.

Action: Mayor Edelcup noted the above changes and that Jazz Fest (12B) now wants this item to be deferred but Mayor Edelcup noted that he would like to hear 12B to get a

consensus from the Commissioners as to the specific request so the Commission’s time is not wasted at a future meeting.

Vice Mayor Thaler moved and Commissioner Brezin seconded **a motion to approve the above changes. The motion was approved by a voice vote of 5-0 in favor.**

5. SPECIAL PRESENTATIONS

- 5A.** Presentation to the City of Sunny Isles Beach by the North Miami Beach Optimist Little League.

Action: Cultural and Human Services Director Susan Simpson introduced Loretta Mufson, a Sunny Isles Beach resident and Board member of the North Miami Beach Optimist Little League and noted that baseball registration opens October 1, 2005. Ms. Mufson and her son Nicholas representing the North Miami Beach Optimist Little League thanked the City Commission for their support and presented the City Commission with a plaque. Mayor Edelcup accepted the plaque on behalf of the City Commission and thanked Ms. Mufson explaining that the City has sponsored the Little League Team for the past five to six years and continues to support them. He said when the Active Park is built we will be able to have part of the Little League cycle of games that are played throughout the year here in Sunny Isles Beach.

6. ZONING

None

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Article XII of the Land Development Regulations Relating to **Nonconforming Uses and Structures**; Providing for Definitions; Providing for the Use of Nonconforming Lots Under Certain Conditions; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

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

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion to approve the proposed ordinance on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Tuesday, October 11, 2005, at 7:30 p.m.**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

- 7B.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 193-1 of the Code of the City of Sunny Isles Beach Relating to the **Permissible Hours of Operation of Power Tools, Construction and Landscaping Equipment**; Providing for Enforcement and Penalties; Repealing Conflicting Provisions; Providing for Severability; Providing for Inclusion into the Code; and Providing for an Effective Date.

Action: City Clerk Hines read the title, and Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Dept. reported. City Attorney Ottinot said that this Ordinance has been revised deleting “and religious holidays” on page 2 section 1d.

Public Speakers: George Berlin

George Berlin, representing Turnberry, asked the Commission to extend the hours to 6:00 p.m. Mr. Solera said presently the hours are from 7:30 a.m. to 5:00 p.m. Monday to Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays, but noted that the ordinance provides that the City Manager or designee may extend the hours if need be by approval within a week. After discussion it was the consensus of the Commission to leave the hours as is.

Vice Mayor Thaler moved and Commissioner Brezin seconded **a motion to approve the proposed ordinance on first reading as amended (deleting “and religious holidays”)**. **The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Tuesday, October 11, 2005, at 7:30 p.m.**

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

- 7C.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Relating to the **Temporary Storage Units**; Providing for Definitions; Providing for Purpose and Intent; Providing for Registration of the Temporary Storage Units; Providing for Placements of the Temporary Storage Units Within a Single Family/Low Density Residential (R-1) Zoning District and the Moderate Density Townhouse/Low Medium Density Residential (R-TH) Zoning District; Providing for Penalties for Violation; Providing for Severability; Providing for Repealer; Providing for Codification; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Dept. reported.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Goodman seconded **a motion to approve the proposed ordinance on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Tuesday, October 11, 2005, at 7:30 p.m.**

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

- 7D.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Prohibiting Swimming and Fishing During Dangerous Water Conditions**; Providing for Purpose and Intent; Providing for Definitions; Providing for Enforcement and Penalties; Establishing a Requirement for the Posting of Beach Advisory Warnings in Visible Areas in Local Hotels; Providing for Inclusion in the Code; Providing for Severability; Providing for Repealer; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Vice Mayor Thaler reported.

Public Speakers: none

Commissioner Iglesias stated that DEP and Army Corp of Engineers are basically the regulating agency in charge of the ocean, and asked if we have enforcement powers, and City Attorney Ottinot said yes under the City’s police powers the City has the authority to close the beach and prohibit swimming and fishing during any dangerous water conditions to protect the general welfare. Commissioner Brezin said that she would like to amend the Ordinance by adding prohibiting water skiing and surfing.

Vice Mayor Thaler moved and Commissioner Brezin and Commissioner Iglesias seconded **a motion to approve the proposed ordinance on first reading, as amended [prohibiting water skiing and surfing]. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Tuesday, October 11, 2005, at 7:30 p.m.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

- 7E.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 68-2(E) Relating to **Reimbursement of Expenses** to Require the Approval of Expenses Submitted by Charter Officers of the City; Providing for Repealer; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Mayor Edelcup reported and noted that the approving authority would be the Mayor and one other member of the Commission for expenses submitted by the Charter Officers that exceed \$500. If the Mayor is not available then it would be the Vice Mayor and a member of the Commission.

Public Speakers: none

Commissioner Iglesias agreed however he said he would like to see the Mayor and someone else go with the expenses and come back to the Commission for approval. City Attorney Ottinot said that the City Manager and him have to attend seminars and hotels and travel costs will exceed \$500 and are timely, and suggested to provide a written report of those expenses rather than to have to come back before the City Commission. Mayor Edelcup said rather than to make it an agenda item to add in the provision that on a monthly basis that they will

provide a report of those expenses. City Attorney Ottinot noted that in the budget there is a line item for expenses and that there is already a cap in place.

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion to approve the proposed ordinance on first reading, as amended. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Tuesday, October 11, 2005, at 7:30 p.m.**

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

- 7F.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-58 (I) of the Land Development Regulations Relating to Temporary Construction Fencing to **Permit Chain Link Fence with Canvas for a Temporary Period for Demolition Purposes**; Providing for a Repealer; Providing for Inclusion in the Code; Providing for Severability; and Providing for an Effective Date.

Action: City Clerk Hines read the title, and Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Dept. reported.

Public Speakers: none

City Manager Russo said that we had an issue on how the construction fence is mounted. He said typically they're on the temporary things that they put sandbags on, and we had an issue with it sticking out on the sidewalk for the Trump project, and asked if there is a better way of mounting it. Mr. Solera said it would have to be mounted within their property on the edge of the sidewalk, and the reference City Manager Russo was making was along Collins Avenue where they were doing the demolition for the three towers for Trump, and we had a company come in with bracket fences with the bracket going one way or the other and sticking onto the sidewalk. Building Official Clay Parker said that they would have to secure a fence permit and they have to secure that property before we would let the demolition begin.

Mayor Edelcup asked if we need stronger wording in the Ordinance to enforce that, and Mr. Parker said that they can place stronger wording in it so that it is more secured in the ground. Mr. Solera said they will come up with stronger language in second reading in terms of security and placement of the fence itself.

Vice Mayor Thaler moved and Commissioner Iglesias seconded **a motion to approve the proposed ordinance on first reading, as amended. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Tuesday, October 11, 2005, at 7:30 p.m.**

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

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, Entitled **“Sexual Offenders and Sexual Predators,”** Providing for Findings and Intent; Providing for Definitions; Prohibiting Sexual Offenders Convicted of Crimes Under Certain Florida Statutes From Living Within 2,500 Feet of Specified Locations Within the City of Sunny Isles Beach; Providing For Penalties; Providing For Exceptions for Certain Convicted Sexual Offenders; Providing for Inclusion in the Code; Providing for Repealer; Providing for Severability; Providing for an Effective Date.

(First Reading 7/14/05)

Action: City Clerk Hines read the title and Commissioner Iglesias reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded **a motion to adopt the ordinance. Ordinance No. 2005-231 was adopted by a roll call vote of 5-0 in favor.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

9B. An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Prohibiting **Price-Gouging During a Declared State of Emergency;** Providing for Purpose and Intent; Providing for Definitions; Providing for Penalties; Providing for Revocation of Occupational License; Providing for Inclusion in the Code; Providing for Severability; Providing for Repealer; Providing for an Effective Date.

(First Reading 7/14/05)

Action: City Clerk Hines read the title and Mayor Edelcup reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion to adopt the ordinance. Ordinance No. 2005-232 was adopted by a roll call vote of 5-0 in favor.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

[City Clerk’s Note: Mayor Edelcup called for a five minute recess]

10. RESOLUTIONS

- 10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Ratifying the Execution of an Agreement with **Siltek Group Inc.** in an Amount Not to Exceed \$7,154,303.05, Attached Hereto as Exhibit “A”, **for the Construction of the 181st Drive Active Park**; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported. City Attorney Ottinot noted that the amount that the contractor provided was not enough and we increased it another million dollars.

Public Speakers: none

Vice Mayor Thaler asked if we have a final date on this project, and City Attorney Ottinot said it is 463 calendar days, including Sundays, beginning when a Notice to Proceed has been issued by the City and Calvin Giordano will probably issue it. City Manager Russo said that this project, because of the tight space of being done, is technically in two parts, you have got the construction of the buildings and you have the site work like the ball field, the open space, so typically you give more time on the site work. He said because of the tight space we are allowing them to use that site area as a staging area for the building of the facilities. He said the smallest number of days is on the actual construction, the longest number of days is the completion of the site work, and then there is the total outside number for the entire project.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-825 was adopted by a voice vote of 5-0 in favor.**

- 10B.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Ratifying the Approval of an Agreement with **Calvin Giordano & Associates, Inc. for Professional Engineering Services for the Improvements to the 172nd Street and North Bay Road Area**, in an Amount Not to Exceed ~~\$171,234.00~~, \$156,544.50, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

(Deferred from 4/14/05)

Action: City Clerk Hines read the title and City Manager Russo reported noting with Commissioner Iglesias’ help the City saved \$14,000.00.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-826 was adopted by a voice vote of 5-0 in favor.**

- 10C.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Designating the Hall in Front of the Elevators on the First Floor in Sunny Isles Beach Government Center as “**HISTORY HALL**” with a Separate Plaque Engraved “**Richard C. Schulman**,

Historian”; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Historian Richard C. Schulman reported.

Public Speakers: none

Mayor Edelcup thanked Mr. Schulman and Administrative Services Director Alyce Hanson..

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-827 was adopted by a voice vote of 5-0 in favor.**

- 10D.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Partial Release of the Declaration of Restrictive Covenants Executed by Crescent Heights XLIV, Inc.** Attached Hereto as Exhibit “A”; Providing the Mayor with the Authority to Execute the Release and Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: [*City Clerk’s Note: Heard out of order, see 4A*] City Clerk Hines read the title and Planning and Zoning Administrator Jorge Vera reported.

Public Speakers: Neisen Kasdin, Esq.; Russell Galbut; Trini Duluc

Neisen Kasdin, Esq., of Gunster, Yoakley & Stewart P.A., representing Crescent Heights, introduced Russell Galbut who is a principal of Crescent Heights. He said that this matter is a housekeeping matter to clear title. He said that in June 1998, Resolution No. 98-Z-12 was adopted approving unusual use and special exception for a site plan for a nursing home at the property at 19200 Collins Avenue reserving non-use variances. He said there was a subsequent Resolution No. 98-Z-23 adopted on October 8, 1998, that created the restriction that brings him here this evening, approving the unusual use the special exception for the site plan, and the non-use variances. He said on September 28, 2000 the covenant between the owner of the property and the City was executed requiring a few items which included parking spaces, providing for the property across Collins Avenue, the Aventura Beach Club, and the height restriction and to be built in accordance with what was proposed which was a nursing home at that time. He said in October of 2000 the resolution expired by law under the terms of the City Land Development Regulations, Section 265-11(L) of the Code says “within two years after the Commission takes affirmative action approving an application for a variance conditional use or other quasi-judicial approval, the approval must be utilized in accordance with its terms” in other words a nursing home had to be built and subject to all the other terms. “In the event that the approval is not timely utilized the approval by the Commission shall be automatically expired and shall be considered void and of no effect.” He went on to say that as a matter of law what happen here was that there was a deal between the City, the City said we will allow you to build a nursing home and if you build a nursing home you have to agree to these certain conditions and if you don’t do it within the two years that is required under our code everything expires. He said that this is merely a ministerial matter which is getting this piece of paper saying that this restriction is removed, legally it is removed and cannot be enforced against the property but it is a cloud-on title, it comes up on a title examination on the property and we have to clean that up.

Vice Mayor Thaler stated it is his understanding from our Legal Department that this is not automatic. City Attorney Ottinot said that this matter was presented to him initially six months ago and this is the first time that any argument has been raised whether the City is legally obligated to release the restriction, and disagreed with Mr. Kasdin and in fact if you were to read the Declaration of Restriction it states clearly that this restriction is for the benefit of the public. He said not only for the benefit of the public but also for the benefit of the Marco Polo Hotel across the street, and if Mr. Kasdin's argument was correct he wouldn't be here tonight, if it terminates by operation of the law he would not need a release from this Commission. He said that one resolution that Mr. Kasdin did not refer to is Resolution No. 98-Z-22 that approved the parking for the Marco Polo and it specifies clearly that the parking for the Marco Polo has to be on that site, so you have two parties who are benefiting from this Declaration of Restriction, it was imposed and it was voluntarily agreed to by Crescent Heights. Mr. Kasdin disagreed with City Attorney Ottinot and that they could go to Court to seek a quiet title action to have this removed, why are they entitled to get this, because this was a site plan approval and these conditions were agreed to in connection with a specific site plan approval and for no other reason, and that site plan approval is terminated, null and void and dead.

Mayor Edelcup said that it sounds like what Mr. Kasdin is asking for is that this land be restored to its underlined zoning as it exists today and that the only reason that the covenant was ever created was an negotiation back in 1998 that if a nursing home was going to be built on this site, that it be built on a height not to exceed a certain level and if anything other than a nursing home were to be built, that restriction would not have been requested or given since that is no longer a nursing home site and it is Mr. Kasdin's argument that this should therefore come back to that land being represented by the zoning that is in place for that area. He said whenever that site is developed in the future, a site plan would have to be presented to this Commission which at that time would have to be either blessed or not blessed that particular site plan but that at this point we would be restoring the land to its original attributes based on what our zoning law has set by that particular site today, and Mr. Kasdin said that is correct.

Vice Mayor Thaler asked about the parking spaces, are we dissolving that also, he has a responsibility to the hotel to keep those parking spaces, and if we resolve this we resolve the whole package. Mr. Kasdin said that the resolution before them specifically does not release the parking and that the attached release says the following, "whereas the declarant wishes to remove all non-parking related conditions that were imposed on the property." He said they recognize the existence of Resolution No. 98-Z-22 and therefore they are not seeking to void the affect of that Resolution, they understand that obligation and it is an existing obligation. He said that he is saying three things: 1) require that this site be developed in substantially in accordance with approved plans as a nursing home; we know that is not going to be done and we don't want that; 2) underground utilities; and 3) height limit that was imposed. Mayor Edelcup said that they cannot remove the parking because the parking is still related to the Marco Polo Radisson. Mr. Kasdin said that the parking is required parking for the Marco Polo so they recognize that it is required parking and is memorialized in a separate resolution, and that we are only dealing specifically and uniquely with the nursing home site plan.

Commissioner Goodman said when they originally came and they wanted to build a nursing home and were required to not only build the nursing home but they had to give the City a guarantee that with the nursing home they were going to build an assistance living facility and at that particular time the City was considering approving it because of the conditions of that particular area at that time and that Mr. Galbut offered the City a piece of property to build a rescue station on the northern end of the property, the nursing home was to be built first and then the assistance living facility and that is when they backed out and subsequently after that he believes that they came back with plans to build a building there, and now that the area has changed a little, this is why he is concerned about the density of this, and Mayor Edelcup said that would come back to the Commission under the site plan. Commissioner Brezin asked if the time expires and the agreement is no longer in effect then for what reason are they coming before the Commission tonight if, as Mr. Kasdin stated, it is not necessary according to what he said, once the time has expired it would revert back to its original zoning properties. Mr. Kasdin said because this covenant was recorded in the public records and therefore it becomes a cloud-on title, and when they look at the history of this property they see these restrictions on the property and just by reading the document they don't know that these restrictions are null and void, so they need another piece of paper that says that these restrictions no longer apply, so it is strictly a matter of clearing title, it is a cloud-on title and it is something that must be done.

City Attorney Ottinot said that he agrees with Mr. Kasdin that it is a cloud-on title but he disagrees that it is a mere technicality because if you read the covenant it clearly states that it is for the benefit of the public and that it has to be released by the City Commission. Mayor Edelcup said that the reason for that was for a nursing home that never got built. City Attorney Ottinot said there were two reasons, one was for the nursing home and the other was the Ramada, and the Ramada resolution specifies that the parking spaces has to be designated on that site, Tract D. Mayor Edelcup said we are not releasing that tonight so that issue is still something that has to be addressed at a future hearing and that the only thing we are talking about tonight is whether or not there is a requirement for an exemption of the height, the parking is still required under the original 1998 agreement and they are not asking for that to be removed. City Attorney Ottinot said that the Commission is the only body that has the authority to release the covenant and his argument is that it is a mere technicality and is terminated by operational law is incorrect.

City Manager Russo asked if the nursing home was that far out of whack with what the normal zoning was on this site that these conditions were made for them to be able to get that. Commissioner Iglesias said no but that there was a strong opposition to putting a nursing home in the area. Planning and Zoning Administrator Jorge Vera said that one of the reasons why this condition was placed upon this nursing home because there was a private condition of a declaration of restrictions between the property owners to the west of this land and that is where this height came about.

Russell Galbut said he wanted to correct the record, the idea of a rescue station had nothing to do with any of the applications here, the concept of the rescue station was Mr. Vera asking if Crescent Heights would help the City out in some way, shape or form and it wasn't the first time, there were many instances such as to develop this place for a bus, an access, a place for voting, and whenever the City came to them they volunteered to help the City out, it had nothing to do with anything that happened here as it relates to the fire rescue. He said

as it relates to this instance there has been a lot of legalese and there is really no need for any legalese it is really all side issues, and Crescent Heights was building the nursing home for the Hebrew Home, and the reason it was such a issue was because the Commission and the people here did not want a nursing home in this community. He said the Hebrew Home did not want to go into an area that they did not feel welcome in and they went away and during that time the administration of Healthcare Finance in Tallahassee wanted to proceed with legal action and it was Crescent Heights that said hold on, we don't want any legal action, and their only purpose is to develop real estate. He said any building they build here they would have to bring back before the Commission and what they are asking for tonight is for the Commission to give them the same rights for this property that everyone has in this City.

Vice Mayor Thaler said that most people that come here do not have a restrictive clause, and he is asking for a restrictive clause to have 37.5 feet to be taken off so that he can come in and build a building there as high as 190-feet. Mr. Galbut said that is correct, it is his legal right. Mayor Edelcup said what Mr. Galbut is saying is that he wants to come in and start from square one again since he did not build the nursing home, to come back for what he would normally have. He said he will come back and give the Commission a site plan and determine whether or not to approve that site plan, and in a sense of fairness, we are still keeping the restriction on for parking but we are saying to him that we are going to treat him as though he were a first time applier to this Commission for a site plan with the proviso that he still has to provide the parking for the Marco Polo. He asked Mr. Vera if this is in anyway contravening any zoning ordinance that we presently have if we were to grant this removal of restriction, and Mr. Vera said he did not think so that he would refer to Council but they would have to come back and if there are any new covenants to be placed on it, it would be placed with the new development that is going to be brought before the Commission. Commissioner Iglesias said that if they wanted to do a nursing home those are the requirements that have to be met, you simply said you are not going to do a nursing home because of whatever a prior Commission said, so he said he would have to agree with Mayor Edelcup on this. City Attorney Ottinot said that they have to comply with our Code. Commissioner Goodman asked Mr. Vera if they once tried to build a building on that property other than the nursing home and DOT refused them next to the William Lehman Causeway, and Mr. Vera said no, and Mayor Edelcup and Commissioner Brezin said it has no relevance to this decision. Commissioner Brezin said it is clear to her that what they are asking for actually is partial and that the parking that is now there will remain as is and Mr. Galbut said that is correct. Vice Mayor Thaler said they are picking and choosing what they want and he objects to that.

Commissioner Iglesias moved and Mayor Edelcup passed the gavel and seconded a **motion to approve the resolution. Resolution No. 2005-828 was adopted by a voice vote of 3-2 in favor (Vice Mayor Thaler and Commissioner Goodman against).**

- 10E.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Awarding Bid No. 05-06-01 to and Entering into an Agreement with Fence Masters, Inc.** in the Total Amount of \$161,165.00 **for Median Fencing Improvements**; Authorizing the Mayor to Execute the Agreement Attached Hereto as Exhibit "A"; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported and noted that we got approval from FDOT to put low fencing in, the 3-foot cast aluminum picket style as we have done in the wide medians of Collins Avenue, and put some along the narrow medians and those areas are the three areas that we have not planted, one is out front of the cities' old offices at 170th Street, the second is between 178th Street and the Government Center, and the third area by the Ramada. He noted that there was one bidder [Pios and Sons] that came in lower in the numbers who had not cleared up code violations, and the bid package made it clear that if you have any local city violations pending, you cannot be considered for the award.

Code Enforcement and Licensing Director Robert Solera gave a history on the case that there were two violations filed on the property. He said that on July 8, 2005 Violation No. 2311 was issued and corrected, paid and closed on July 18, 2005. He said the City is working with him on obtaining a permit, and at this point Mr. Ortiz has an outstanding lien on the property of approximately \$85,000.00 for the violation that remains uncorrected.

Public Speakers: Hector Ortiz

Hector Ortiz of Pios and Sons said that he has a violation for removing bricks from in front of his house, but he is willing to get the permit, he is a licensed contractor, and said that a permit is not required to remove dry bricks from your house when you are applying for a permit to redo your whole house, and knock down 70% of the house. He said he would pay the fine but feels that the City is throwing away money on this bid.

Commissioner Iglesias asked for a legal opinion and City Attorney Ottinot said that the bottom line is that the bid specs were prepared by Calvin Giordano & Associates, it outlined the rules of the process, and one of the rules is that a company or principal of that company cannot have existing code violations. He said that Pios and Sons, the lowest bidder, principal had existing code violations at the time that City staff was considering the bid [bid opening on July 6, 2005], and that automatically made them ineligible to participate in the bid process. He said that this Commission has the authority to reject all bids and start the process all over.

Commissioner Goodman asked who gave the fine to Mr. Ortiz, and Mr. Solera said that the violation was issued by the Code Enforcement Department originally for \$250 per day and it became \$85,000 for accumulative penalties after warnings, citations were issued, it went before the Special Master and the Special Master found the defendant to be guilty with the fact that nothing had been done, and the orders were recorded with Miami-Dade County. He said that the Special Master is now offering the 2% and the Department and the City representative is now requesting from the violator 2% of the amount of the lien, and the Special Master will ratify the amount. He said that he has a copy of Pios and Sons Inc. from the State of Florida and it references the principal address as 320 Atlantic Avenue and the

name of the registered agent is Mr. Ortiz. Mr. Ortiz said that it was outdated.

Commissioner Iglesias said at the present time Mr. Ortiz is his tenant in the house at 270 Atlantic Avenue, so this may constitute a conflict of interest, and if he should abstain from voting on this, and City Attorney Ottinot said yes.

Vice Mayor Thaler moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-829 was adopted by a voice vote of 3-1-1 (Commissioner Goodman opposed and Commissioner Iglesias abstained) in favor.**

- 10F.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with **Sweeping Corporation of America, Inc.** Attached Hereto as Exhibit "A", **for Street Sweeping Services** in an Amount Not to Exceed \$40,000.00 Per Year; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Assistant to the City Manager Jeff Maxim reported.

Public Speakers: none

Commissioner Goodman asked what time the sweeping is done and Mr. Maxim said that it starts at 4:00 a.m. Commissioner Goodman said that he appreciates that they do Collins Avenue first at 4:00 a.m.

Vice Mayor Thaler moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-830 was adopted by a voice vote of 5-0 in favor.**

- 10G.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing a **Contribution of ~~\$5,000.00~~ \$10,000.00 to the American Red Cross Hurricane 2005 Relief Fund**; 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 Commissioner Brezin reported that she would like to change the amount to \$10,000.00.

Public Speakers: none

Mayor Edelcup said to make it \$10,000.00 but if half should go to the Red Cross and the other half to the Salvation Army and Commissioner Brezin agreed. Mayor Edelcup said that the City has had a series of meetings in reference to hurricane relief in which the staff is trying to raise funds up and above this amount and that we would be running fund raisers at our City events such as the Sunny Serenade, Opening of the Park of the New Town Center on October 20, 2005, or any other events that the City may have. He said that the City has made it available to all its employees the opportunity to have donations taken from our pay checks for the hurricane relief effort, and his goal he is setting for the City is \$25,000.00 by year end, to be divided equally between the Red Cross and Salvation Army, and if we have

not raised that much, he will probably ask the City to see if they can make up any difference or shortfall that may occur. Commissioner Brezin said that it is important that when that contribution is given that you specify that the donation is for Hurricane Relief.

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution as amended. Resolution No. 2005-831 was adopted by a voice vote of 5-0 in favor.**

- 10H.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing Mayor Edelcup as the City's **Delegate to the Miami-Dade League of Cities** and Commissioner Goodman as the Alternate to Attend Meetings During Fiscal Year 2005/06; Providing for an Effective Date.

Action: City Clerk Hines read the title and Mayor Edelcup recommended that he be the City's Delegate and Commissioner Goodman as Alternate.

Public Speakers: none

After discussion it was unanimous to designate Norman S. Edelcup as the delegate and Gerry Goodman as the alternate.

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution, as amended. Resolution No. 2005-832 was adopted by a voice vote of 5-0 in favor.**

- 10I.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Establishing a **Schedule for City Commission Meetings for Calendar Year 2006**; Providing for an Effective Date.

Action: City Clerk Hines read the title and Mayor Edelcup said that this can be the tentative schedule for next year and that it can be changed as we go throughout the year.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-833 was adopted by a voice vote of 5-0 in favor.**

- 10J.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City to Continue to Participate in the "Second Tuesday at Biscayne Bay Campus" Program, and Authorizing a **Charitable Contribution to the Biscayne Bay Society of Florida International University (FIU)**, in the Amount of \$5,000.00; 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 Cultural and Human Services Director Susan Simpson reported and noted that over 400 Sunny Isles Beach residents participated last year.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-834 was adopted by a voice vote of 5-0 in favor.**

10K. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Adopting the National Incident Management System (NIMS)** as Required by the Homeland Security Presidential Directive – 5; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Assistant to the City Manager Maxim reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-835 was adopted by a voice vote of 5-0 in favor.**

10L. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to **Pay the Reasonable Attorney’s Fees, Appraiser’s Fee and Court Costs in the Amount of \$119,510.74 to the Law Firm of Kronengold & Danz** as Evidenced in Exhibit “A” and “B” for Costs Incurred in the Eminent Domain Case, City of Sunny Isles Beach v. 18100 Collins Avenue, Shopping Center, Ltd.; Providing for the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Ottinot reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-836 was adopted by a voice vote of 5-0 in favor.**

10M. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an **Agreement with the State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida to Reimburse the State for the Cost of State Attorney Prosecution of Certain Criminal Violations of the Code of the City of Sunny Isles Beach**; Authorizing the Mayor to Execute the Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Ottinot reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-837 was adopted by a voice vote of 5-0 in favor.**

10N. Add-On

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Creating a Blue - Ribbon Committee to Make Recommendations for the Position of City Manager; Providing the Appointment of Members to the Committee; Authorizing the Mayor to Negotiate and Enter into an Agreement With the Search Firm of Colin Baenziger & Associates**, in the Amount of \$19,000.00, Attached Hereto As Exhibit "A", Provided that Agreement is Ratified by the City Commission; Providing the City Attorney with the Authority to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

Action: Mayor Edelcup reported that City Manager Russo tendered his resignation effective October 31, 2005 to go into the private industry. Mayor Edelcup recommended that the Commission appoint a Blue – Ribbon Panel of five people who would be the screening or selection committee that would make recommendation to the full Commission the people that they feel are the top three to five candidates and then each Commissioner would have the opportunity to meet with those candidates and ultimately have a public forum in which the Commission would go through the actual proceeding of recommending that one candidate be the new City Manager.

Mayor Edelcup said he has asked Senator Gwen Margolis, who is also a resident of Sunny Isles Beach, to be Chairperson for this Committee. He then asked each member of the Commission to add a member to that Committee. Commissioner Goodman nominated Bud Scholl; Vice Mayor Thaler nominated City Attorney Hans Ottinot; Commissioner Brezin nominated Gary Brown, City Manager of North Miami Beach; and Commissioner Iglesias nominated Mary Ann Eicke-Shaw and if she declines he would like Isaac Aelion, and he will let the City Attorney know by tomorrow morning.

City Attorney Ottinot said that this can be done as a motion or a resolution and that it would go into effect immediately but after discussion made it effective as of tomorrow after Commissioner Iglesias has an answer on his nomination.

Speakers: Senator Gwen Margolis

Senator Gwen Margolis suggested that the City advertise the position as an open position in the League of Cities magazine locally or state-wide. City Attorney Ottinot noted that he and Mayor Edelcup have already met with a consultant who has conducted numerous City Manager searches for municipalities throughout the state of Florida, and he has agreed to work on behalf of the City for a fee to conduct a national search for the City to advertise it and he has contacts with all the publications including City Manager's Association, etc. Senator Margolis also noted that there should be a timeframe and suggested to appoint someone in the interim as City Manager until the search is complete. Mayor Edelcup agreed and said when that time comes the Commission will appoint an interim City Manager and that the time schedule that they are basically looking at calls for this Committee to be formed here tonight, the national search firm to be hired here tonight, the ads to go into publications immediately, hoping that this new Committee will have work to do starting in October and November and be in a position by sometime in December to have selected the top candidates for the Commissioners to meet individually in December and early January and hopefully by the Commission meeting in January or at the latest the February meeting we would be in the position to hire that person for this job. He noted that City Manager Russo will be here until

October 31st and at that point from October 31, 2005 until the vacancy is filled they would appoint an interim City Manager.

Mayor Edelcup said we can do this in a two-step approval, the Panel and City Attorney Ottinot added providing the authority to negotiate and execute a contract with the search firm of Colin Baenziger & Associates, providing the City Commission ratify the contract. Mayor Edelcup asked if we can do this as one Resolution or if we need two separate resolutions and City Attorney Ottinot said we can do it in one.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-838 was adopted by a voice vote of 5-0 in favor.** *[City Clerk's Note: Consequently, Commissioner Iglesias confirmed the appointment of Mary Ann Eicke-Shaw to the Committee.]*

11. MOTIONS

11A. Call for a Motion to accept the resignation of Ben Kleinerman of the Health and Community Activities Committee, and confirm the reappointments and appointments of the following members to the Mayor's Advisory Council (MAC):

- Mayor Edelcup's reappointment of Chairperson Gene Sweed to the Traffic and Safety Committee;
- Vice Mayor Thaler's reappointment of Joseph J. Ades to the Health and Community Activities Committee;
- Commissioner Goodman's appointment of Elena Koval to the Education/Schools Committee (Laura Arzumanova has declined reappointment);
- Commissioner Brezin's appointment of Isaac Feldman to the Health and Community Activities Committee; and
- Appointment of Ben Kleinerman as an Honorary Lifetime Member of the Health and Community Activities Committee.

Action: Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to accept the resignations, appointments and reappointments. The motion was approved by a voice vote of 5-0 in favor.**

12. DISCUSSION ITEMS

12A. Beachwalk Fact-Finding Committee Report.

Action: *[City Clerk's Note: Heard out of order, see 4A]* Chairperson Dr. Kathy Schultz reported noting that a report was distributed earlier and tonight's report will be a summary of that report of the Committee's findings, including two maps. Dr. Schultz speaking on behalf of the Committee noted that they enjoyed being members of this committee and wished it could go on.

Public Speakers: Henry Kay; Alex Fusco

Vice Mayor Thaler asked if there was a recommendation and Dr. Schultz said that they were specifically asked not to give a recommendation but to gather the facts. City Manager Russo said that they have an option that is doable without permitting but they don't have a recommendation. Commissioner Goodman noted that the Hollywood Beach built a concrete boardwalk and asked what the difference is from that beach and our beach, and City Manager Russo said that that area is beyond what in our case is the property line. Dr. Schultz said our property line sits further out and in fact, the buildings sit where the Hollywood Boardwalk sits. She said in almost every area of the eastern seaboard there are no buildings allowed in front of or on top of the coastal construction control line, but when the hotels went up in this area back in the 50's they were allowed to be built.

Mayor Edelcup said of the three options it would seem like one is probably next to impossible to do and that would be to get the private developers to give up part of their area of the beach; the one doable thing is for the beach maintenance to compact the sand. Dr. Schultz said that would be the easiest and would allow the most immediate provision, since we are in urban beach and we are permitted beach maintenance and that the compaction that would be done does not create a permanent detriment or a consistent obstacle. She said the piping could be done all year round and that the Committee checked with various regulatory agencies that they would have no problem with that. Commissioner Goodman recalled that when the beach was renourished it was compacted and it was easy to walk on, and Dr. Schultz said that one of the major complaints of our beach is the short angle at the lower edge that we have had since we were renourished and renourishing in of itself does create a harder beach but it also makes you more prone to abrupt erosion. Commissioner Iglesias remembered before we were a City the Sunny Isles Beach Resort Association and the motel owners actually paid for a tractor with a pipe to come back and do the piping especially in the winter time for the tourists to come down and being able to walk. Dr. Schultz said that a number of the private condos, even now, have someone who does beach care for them who are privately contracted but they need to have a state license and to follow the DEP permit guidelines. Mayor Edelcup said looking through the report that is the only viable alternative there is.

Dr. Schultz said that when the members of the committee came on to that committee with very passionate and very diverse view points and she is very proud to say that everyone put their biases and agendas aside and really worked at looking at things and everybody on that Committee has already heard this report as well and everyone sees what is possible and what makes sense and are comfortable with that, and asked the Committee members to stand up. Mayor Edelcup and the City Commission thanked Dr. Schultz for an excellent report, and the Committee for their hard efforts uniting the east side and the west side into one City. Mayor Edelcup said that the Commission now has their report before them and they will individually study it and schedule another meeting at a general meeting to further pursue whether or not there is a viable option for doing something on the beach.

12B. Discussion of a Proposal from Archie Quintana of Meloquinn Music Production regarding a Jazz Fest Series at Samson Oceanfront Park.

Action: [City Clerk's Note: Heard out of order, see 4A] Mayor Edelcup said that this item was scheduled for today's meeting but he understands that the proponent has asked for a deferral and rather have the Commission take this up time and time again because we took it

up last month . He said this is the Jazz Festival that was being proposed in Sunny Isles Beach but the promoters wanted to have alcohol served at the event and this Commission last month unanimously said no to that request. He said the proponent was coming back here again tonight to present his case in hopes that the Commission changed their mind and he asked for a confirmation on their vote from last month be recorded so that if the proponent feels like he needs to come again to ask the same question, that he really is wasting his time and the Commission's time and so with that he requested that the Commission again reaffirm the fact that we did not want alcohol served at any public park events that we have here in Sunny Isles Beach.

Vice Mayor Thaler moved and Commissioner Brezin seconded a **motion that no alcohol be served at any public park events. The motion was approved by a voice vote of 5-0 in favor.** Mayor Edelcup asked Cultural and Human Services Director Susan Simpson to instruct Mr. Quintana that the Commission has made this motion and that he is wasting his time.

12C. Discussion regarding the City of Sunny Isles Beach Evaluation and Appraisal Report (EAR).

Action: City Planner Shelley Eichner reported that this is the *Evaluation and Appraisal Report* (EAR) for adoption, and noted that they sent out a draft EAR to the Department of Community Affairs in July. She said that they received their comments back and incorporated many of them (shaded parts in backup material) where they have further addressed or expanded on their issues. She said they wanted a little more detail, more definitive commitments, and address changes in State and Regional Planning that were made to the Growth Management Legislation particularly as it relates to school concurrency, infrastructure, and the linkage between infrastructure needs and capital budgets which became effective July 1, 2005, and all EARs that are due after July 1, 2005 have to incorporate the new State Statutes. She said that ultimately the State wants to see some expansion of the capital improvements program and the infrastructure element, they want to see additional provisions regarding concurrency, and they want us to touch upon identifying alternative water supplies that is a major issue of the State.

Ms. Eichner said that the Local South Regional Planning Council's big issue is affordable housing. She said their comments were extensive, again their approach was to identify in the EAR the types of programs and policies that could be possibly incorporated into the Comprehensive Plan. She said her recommendation would be to continue to work with South Regional Planning Council to assist in coming up with a regional solution to affordable housing. She stated that that Department of Environmental Protection didn't have much comment but that there are some houses still in the City on septic tanks and they are looking to get them off a septic tank and another concern was where we were putting into the requirement that all government facilities could be located in any land use category, and they don't want us to do that in conservation. The comments from the Department of Transportation were minimal, looking for promoting through land use policies, alternate modes of transportation, mixed use developments, pedestrian connectivity, the kinds of things that we have already done in the Town Center, and they want us to demonstrate sustainability of the adopted levels of service on the roads. She said that the City of North Miami was the only surrounding municipality that had a comment and they are concerned about air quality

and our research shows that there are no issues. All of these issues have been addressed in various portions of the EAR and that they are now ready to bring this back to the Commission at their next meeting for adoption, recognizing that after it is adopted the State then does their formal review and they still have more comments.

Mayor Edelcup noted that we should have more specific affordable housing instead of only listing Marion Towers. Ms. Eichner said that in the comments that we are getting back from the State, Sunny Isles Beach is not alone. She said the issue of determining the need for affordable housing, there are problems with the numbers that the State requires the cities to use, they require cities to use the Shimberg Institute out of the University of Florida, and what she is finding throughout South Florida is their numbers don't make sense, their projections of build out don't make sense where they have gotten their numbers as far as affordability don't really work, so we really don't know what the need is or the projected need. Mayor Edelcup mentioned other sites to add. She said what the purpose of the EAR is in the Comp Plan is to show that the City is going to be proactive in providing affordable housing and maintaining what you already have. She said that a lot of the sites that Mayor Edelcup mentioned may very well be sources of redevelopment which are also other goals and objectives that we have already identified for the future, and she cautioned in terms of being sites specific. She said the Marion Towers was easy to identify because it was through Federal funding, and the others are more of what the current market rates are, and she cautioned that we really don't want to list them and then be put in the position where the City needs to take action to ensure those rental rates or sales rates stay the same or if the City or someone wants to go into redeveloping those properties, we would then be prohibited because they have been specifically defined as affordable housing or work force housing.

Ms. Eichner said the first step is to wait for the formal comments to come back and then her recommendation would be to continue to work with the South Florida Regional Planning Council who is actively working on affordable housing policies and solutions regional, and that would gain acceptance by the State rather than going through a specific identification.

Ms. Eichner said that there is a group called the Broward Housing Partnership which is a group of elected officials, South Regional Planning Council, bankers, investment people, developers, and so on, that are putting on an Affordable Housing Summit at the Broward County Convention Center, the first weekend in October, and the purpose of it is to bring together regulatory agencies, people who are developers and builders in the field, and people who need work force housing, and come up with a list of the types of things that can be done to effectuate affordable housing. Commissioner Goodman asked what other municipalities are doing and she said that right now very few cities are just about going through their EAR process, nobody had definite solutions, what they will do is if their EARs identifies that it is a need or a desire of the city, then the Comprehensive Plan will go through the motions of having policies, establishing some type of CRA and to further assist in providing affordable housing, financial incentives to developers, there is a multitude of things that cities are doing in terms of policies to encourage work force housing. She said you can do things like incentive zoning, 10% more units if those are set aside for affordable housing in a given project over and above of what the zoning allows. She said it is called inclusionary zoning where in a given development you set aside certain units that are deed restricted for evermore to be affordable and they can increase by whatever the consumer price index is to ensure those units stay affordable. Other methodologies are higher densities and mixed use allows

for affordable housing by having economies of scale, the kinds of things the Town Center design guidelines promoted in terms of a mixed use, live, work, so that people can afford to work and live in the same place. She said that there are other policies that are not strictly housing related that can assist in reducing the cost of housing, of living in one place and working in another place. She noted that where you see a large part of the cities work force coming from a certain area, you can establish shuttle systems, and the list is as creative as you want, but she feels where most municipalities are heading today is that it is not a city by a city, it is a regional problem and it needs a regional solution. She said it is very complex and evolving and her recommendation is to go with the flow for the EAR and keep abreast of all the different issues, and suggested something like an affordable housing workshop with folks from the South Florida Regional Planning Council who are devoting a lot of time in not only coming up with solutions but also defining what the problems are. She said all the planners are recognizing these population projections and numbers just don't make sense, for example, the growth in Sunny Isles Beach that has been seen in the last five years, is it going on for the next five, probably not because land is running out, but the different projection models keeps it growing and growing, and that is another problem. She said that what we have here today is substantially what the Commission will be voting on in two weeks unless the Commission wants to modify it.

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

13A. Communication from Mayor Miriam Fierberg – Ikar from our Sister City Netanya, Israel.

Action: Mayor Edelcup read a letter that the City received from Mayor Fierberg – Ikar in recognition of the support we showed during their time of crisis.

14. ADJOURNMENT

Commissioner Goodman moved and Vice Mayor Thaler seconded a motion to adjourn the meeting, and Mayor Edelcup adjourned it at 10:34 p.m.

Respectfully submitted by:

Approved by the City Commission on Oct. 11, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor