



Cocconut Grove Village Council

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Yvonne McDonald-Vice Chair
David Collins
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**Cocconut Grove Village Council
September 21 , 2006
Meeting Minutes**

On September 21, 2006, a quorum of duly elected Directors of Firm met to discuss and decide issues relevant to the business of the corporation. All Council Members were present and voted; Councilman Sarnoff was excused for the discussion regarding the Candidates' Forum. The following discussions took place, including the enactment of resolutions as described herein:

Village Council Minutes: Minutes Passed from September 5 meeting.

Treasurer's report

27th Avenue – There will be a public meeting scheduled, probably in November.

MOTION for reconsideration of Mercy Hospital / Related Group Project resolution. By Gary Hecht, Felice Dubin second. David Collins spoke against the project b/c he felt it was giving over the waterfront in a way that dismayed him. More critical of us as a council for assuming the expertise to even hear the presentation. He felt we were over our heads. Maybe too quick a judgment. David feels reconsideration will make us seem "willy nilly". In favor of not reconsidering. Yvonne McDonald feels when we take a vote we should understand what we're voting for. Say we need more info if we do. Yvonne feels we voted intelligently, requested people come and speak if they opposed it. Lots of people at the meeting and no one spoke against it. Patrick Goggins and his group did not come to our council to raise their concerns, which offended Yvonne. At the sailing club the people opposed refused to present. Gary Hecht is somewhat embarrassed b/c he has gone from very decisive to indecisive. Precedent for continued expansion in that area. Bothered him that a request for R4 went out when R3 was needed, didn't know it would be 41 stories (?). Remains neutral. Michelle Niemeyer will vote against reconsideration. Lottie Person's vote will stand where it is. Felice Dubin invited Related Group and Mercy to make the presentation and did not invite opposing groups b/c she was unaware there were any

opposing groups. We invited Bay Heights and Natoma Manors. We didn't invite the opposing groups. Felice thinks we should e-mail every homeowners' association when we are considering a resolution. Felice has some ideas that could be a win-win for the Grove and the developer. She invited Andy Parrish to meet with the Related Group on Monday. She's torn. She loves Mercy Hospital. Would like to see better technology, staff, etc. The money they will get will hopefully give us a wonderful hospital. Loves the buildings but thinks it's too high. Thinks there should be workforce housing there. Doesn't approve of a developer paying the two neighborhoods. Felice spoke with Jim McMaster; what will stop LaSalle from selling its waterfront property, what about Hiawatha. Felice feels our responsibility is greater than being ashamed we made a mistake. Ron Nelson says absolutely we ought to be able to reconsider motions as new evidence comes to light or as we have talked to others in the community. We're not a mini-commission. We're a group that is essentially powerless. We are here to get information to people. Our vote for or against may be guidance for the community but it wouldn't bother Ron if we never passed a resolution for or against development of any kind. On the project, Ron really believes that one he likes the project, likes the waterfront for the public, does not like the up-zoning of the property. There's abutting R1, it could be that. Ron speaks for the GI ordinance on this issue. Can't vote for it in the fact of the ordinance. Upzoning that property R4 upzones the entire Mercy site. This project maybe doesn't work. If you can't build an R3 project and make a profit maybe you're paying too much for the land. To change zoning with no hardship doesn't work. You don't just change it because you want it. Would like at least to have a covenant from Mercy that it won't develop to higher than R4. Martin Zilber is concerned about the process. We need to decide what we are going to do about reconsidering votes. It's true we're not a commission, but when the M-D County commission passes they only reconsider at the next meeting and only if someone who supported it raises the issue. Martin doesn't think anything has changed here. Martin doesn't think we should reconsider from a process standpoint and thinks we should decide what to do in other situations like this. We've had a problem in the past with credibility and doesn't like not having a system in place. Concern with doing things three or four times as well. Our agenda is circulated in the Grove. There are a lot of steps along the way and there's no reason people can't speak to them at the other venues. Big concern is the process and Martin feels we need to speak to it and have one. Marc's biggest concern is the change to the GI. If in fact the property were to be R4, the ten years pass, could the west side of the property ask for R4. If you were to carve out a portion of the property adjacent to the R4 yes, if adjacent to R1, no. At last night's meeting suggested a buffer zone of R3 property around their property so there could be no other R4 adjacent to it. There has been a suggestion of a one foot or more buffer of R3 zoned around the R4. Marc Sarnoff asked questions about the zoning issues. Patrick Goggins raised the argument that you may have to go to the lowest intensity zoning which is R1. Marc heard Gary say it is 42 or 46 stories. 410 feet is 37 residential stories. Marc asked if anyone has been paid by the Related Group who spoke in favor of the project. Bill Thompson said a lot of people are asking. Martin asked if another kind of project could be built. Any accessory hospital use, ALF, medical related offices, etc. would have unlimited height. Lucia Doherty brought up the fact that the GI law changed, and before it did they could have built this project without any issue. Yvonne: this project didn't just happen in the last six months.

There has been discussion about this property for four years. First learned about Related Group agreement this summer. Bill Thompson spoke for two minutes. Criticized for trying to go around the GI ordinance. Came back and answered questions for 2 hours. Believes we voted the way we did b/c the traffic impact was light, serious restrictions on Mercy, etc. Willing to go on record to go forward with the buffer. Their intent is to do that. Lottie recognizes we gave Bill Thompson a hard time for hours when he was here before. Going back and rescinding vote isn't right with her.

Patrick Goggins President of the Biscayne Bayshore Homeowners Association. He first saw the rendering of the project on TV when it was before the Village Council. He understands our vote b/c no one ever came to speak against it. Patrick was one of four homeowners who showed up at a zoning board meeting. They went again with 20 or 30 people prepared to speak, Zoning Board heard merits and criticism of the project and voted against it. The PAB also voted against it. When the developer has well polished product to present – would be the tallest building in the Grove. Tallest building within a mile. Under code this project doesn't meet legal standards for transition, for a MUSP and an up-zoning. The light of day has shown on this project and we should rescind our resolution.

Victor Di____, former commissioner, President of Entrada homeowners association. He is an ex-commissioner who voted to create this council. His concern is, what message are you sending when you have voted and then you go back and change your mind on the issue. Limited time, not after action has happened based on your resolution. If things remain the same, why would you want to change your position. Need to revisit rules or you have a helter skelter scenario where people don't know if it's worth coming here at all.

Elena Carpenter here as former VC member. Struggled to gain the respect of the community and wanted developers to come before them. As a former Village Council member she feels this says they don't have their act together. You might lose the respect of the constituency. Elena has standing, lives next door. She gave her opinion before. She has a problem with Patrick coming and saying we voted wrong because we didn't know the height.

Martin still thinks that if we don't reconsider that doesn't mean we can't address the buffer in form of a separate resolution. Would like to ask we address the policy issue.

Vote Motion to reconsider the May 2, 2006 resolution supporting the Grove Bay plan presented by the Related Group. David no, Yvonne No, Gary yes, Michelle no, Martin No, Felice yes, Ron No, Marc yes. 6-3 to keep as stated.

David moves to appoint Ron Nelson to sit with Related Group to address concerns about zoning. Michelle 2nd. Unanimous.

501(c)(3) - tabled for later

Candidates' Forum. We voted to have one. Format? Ron suggests we adopt the Waterfront Board's format. Ron changed his opinion b/c they couldn't have one. David thinks each candidate should speak for 10 minutes and that they should submit questions into a bowl that they ask to each other. Martin: might want to ask a question. Lottie, Michelle, Martin want questions from public and VC members allowed. Ron thinks we should use David's format, with a time limit, and then allow public questions after if the time is not used up. Yvonne suggested that questions from the public be put in a hat for a second round.

Martin will serve as the moderator. 2 minute opening statement.

David moved his idea of the format. Entire meeting is candidate forum. If manager can come he gets first 5 minutes. Each candidate gets a 2 minute intro. Each writes 5 questions about Coconut Grove, puts in fishbowl, each picks a question, two minutes to answer. Time permitting a second bowl of questions from residents. All aye. David will bring envelopes.

Invitation tomorrow to the candidates. MMN will write letter invitation explaining the format.

Playhouse update by Martin. Martin on arts council will be monitoring the monies etc. When consultant starts giving recommendations need to have meeting with strong representation from merchants. Motion pending on historic preservation. They don't want to go before any governmental entities at this point. David reminded us that essentially right now the playhouse is dead and we need to keep a close eye on it.

Adjourned

Dated: Oct. 17, 2006



Michelle M. Niemeyer, Secretary