



Cocoanut Grove Village Council

Gary Hecht - Chair
Martin Zilber - Vice Chair
David Collins
Liliana Dones
Felice Dubin
Michelle Niemeyer
Lottie Person
Alyn Pruett
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**Cocoanut Grove Village Council
Tue October 16, 2007
Meeting Minutes**

On Tuesday, October 16, 2007, a quorum of duly elected Directors of the Council met to discuss and decide issues relevant to the business of the corporation. Council Members Hecht, Zilber, Weintraub, Niemeyer, Collins, Person, Dubin and Pruett were present and voted. The following discussions took place, including the enactment of resolutions as described herein:

1. 5 AM closings: Ron Nelson. Comm'r Sarnoff's office has asked for options from legal department. Can stay open 24 hours. Various kinds of liquor licenses. Need to know what is a land right(?). If the state gives a license to sell until 5, can you as a municipality legislate differently? Staff have done unannounced tours at 2, 3 a.m. Knows the bars are selling some food. At a number of places there's not a good element. The Village is not an entertainment zone or entertainment district. At one club you are frisked at the door. Sarnoff's office is leaning to 3 am closure for the SD-2 district. David Collins had a conversation with John El Masry, who says 20% of his \$ from Mr. Moe's from 3 to 5. 4COP license says no food to 5. Other license says 51% of sales to 5. Michelle suggested we consider regulating the use: if you want a 5 am license, you stay open during the day, not be a night-only place. David commented that the residents and businesses have a lot of hostility between them. Many people who have complained are blasting certain locations. David asked if Visions is primarily African American? Quench is above condos. David thinks we're on thin ice as a council characterizing crowds of people. Martin doesn't know if we have authority, but we don't have authority on anything. Martin thinks we should act before Sarnoff's office acts regardless of which way they are going. Ron Nelson agrees with Martin; we don't have the responsibility to ask for something that can be legally done. We should ask for what we think the community needs. Gary would like Michelle and Martin to write a resolution. Martin suggested we need to have the intent. Martin

does not think we should take away licences people have built their businesses on. David Collins thinks the normal pattern would be to have a regular meeting with a big fight. He doesn't think that would be productive. Sylvano says it should be 3. Kathy Comis, who filed appeal, pointed out the complaints have been directed at one person because one person has applied for the 5 am licenses. Apple Martini and Visions, one owner. At the same time as there's a push for 5 am clubs there's no direction for what the Grove is going to be. Concern about property values. Sandbar employees: why are we putting restrictions on businesses when the businesses are having problems. New owner of Flavour. Owns Uva in CG. More than 1/2 of restaurants and stores in CG have closed. A lot has closed in CG. He thinks it is because they're asking them to close earlier. Martin contradicted that. Habib, new owner of Flavour. Flavour is a black box that opens late. Dress code. No baggy clothes, collared shirts. As soon as they took over, Braga commented on improvement. It would be hard for them to have a restaurant if they had to for selling liquor. Appeal is coming up. As far as taking back licenses, Martin does not think that's right, and he wants to address that.

Martin moved: 1) do not retroactively take away licenses from clubs open to 5 am; Lottie seconded. Discussion: David asked to amend to make the current 5 am closures non-transferable. Felice does not think we should have any resolution because we don't know the law. Felice does not believe the city should grant any new licenses. Susie asked what about the people who bought a business and the 5 am came in after he bought his business. Sue McConnell said she does not think the license should be transferable. Vote: Michelle, Gary, Martin, David, Susie, Felice and Lottie in favor (unanimous). Susie asked for clarification about what we are saying with this? Martin is trying to say we won't penalize someone who has been in business.

Martin wants to have more conversation about whether we should send any kind of recommendation beyond this. Gary would rather wait. Ron filled in Felice. Miami Beach has pushed back closing times recently. If it's not a land right then if you pass legislation it will affect everybody.

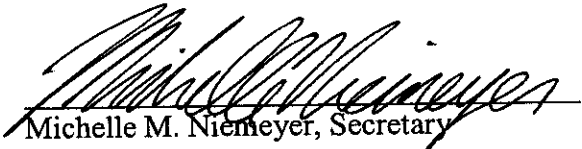
David moved: we should oppose any special exceptions for post-3am alcohol sales from this point forward. Felice seconded. Martin asked, "are we saying there would be no licenses after 3 am then?" If you are saying it's a special exception ... if there are laws on the book that allow it without special exception ... do we feel there should be some cases like Mr. Moe's if they're new? David has moved because there are increasing numbers of people moving closer in. In Michelle opposed, Gary, Martin, Felice, David, Lottie and Susan in favor.

2. Post office tree cutting: Ron Nelson has been pushing Post Office corporate headquarters to meet with us. Felice said when she talked to people at the post office they said they are all planning on one story parking. They're not doing a parking garage.

Gary doesn't have letter from Lili and Jim McMaster yet.

3. Felice, Gary, and Carlos Lopez Cantera are planning a meeting but it has been cancelled due to the tax issue. Felice said Carlos wants to do a forum (on taxes).
4. Gary looked into D&O insurance with a guy at Wells Fargo. \$4,000. He will get more information.
5. Gary raised meeting day issue. Back to Tuesday. 8:00 and try to keep it to an hour.
6. Suggested by-law changes. Martin brought up issues by e-mail. He thought we would be having elections tonight. Martin mentioned there are two year terms in by-laws. He thinks there should be a succession of Vice Chair to Chair. Felice thinks that a lot of us on the Board have done things that a Vice Chair or a Chair should do; says it was up to Martin to do more as Vice Chair if he wanted to do more, not just because he was going to become Chair. David wants to discuss it in the context of a different proposal. He likes succession because it sounds like fun. He thinks Gary even more than Marc has done a good job in taking over. Having said that you always look at it and see what would be fun. Susie doesn't think that serves the community. We need to have one face as our chair. Gary does not agree with three month rotation. It has taken him most of a year to learn Robert's Rules of Order. Beyond that you need a minimum of a year because it gives us the opportunity to demonstrate to the government and community what kind of person you are. Not enough opportunity to make relationships in three months and not sure if it even happens in a year. He and Alyn are opposed to Vice Chair moving up. Gary goes to all the meetings; involved in the community on so many different levels. Now he spends more time on administrative issues. His feeling is if Vice Chair does not demonstrate involvement then that person shouldn't move up. David asked if we made a mistake to have four year terms. Should we stagger terms? Lottie says she usually goes by the by-laws. She's used to a chair person being two years and the vice chair. Susie feels succession stifles people who are new due to long pipeline to leadership. Felice recommended we form a committee to recommend revisions to the by-laws. Gary suggested we have by-law review and decide next month then have an election in December. David said he never suggested a staggered term. He suggested two year terms. He also thinks there should be a change in the by-laws. David thinks we should vote at the televised meeting. Martin thinks we should have a mid-month meeting in November and dedicate it to decide if we elect in December televised or mid-month meeting. Martin moved: At our November mid-month meeting we address by-law issues pertaining to the election, election issues, and make a decision whether to have election at open or mid-month meeting in December. Michelle and Susie seconded. Susie, Gary, Michelle, Lottie, Felice in favor; David opposed. Tuesday 27th at 6:30 is next meeting.

Dated: 1/18/08


Michelle M. Niemeyer, Secretary