

City of Coral Gables City Commission Meeting

Agenda Item E-6

November 9, 2010

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Planning Director, Eric Riel

Public Speaker(s)

Andrew Dickman, Counsel for Gables by the Sea HOA

Richard Arnold, Coral Gables Resident

Beverly Arnold, Coral Gables Resident

Margarita Brito, Coral Gables Resident

Nancy Perez, Coral Gables Resident

Carly Fein, Coral Gables Resident

Matthew Kirsner, Boy Scout and Gulliver Student

Catherine Froelich, Coral Gables Resident

Christiane Jung, Coral Gables Resident

Kristine Fonseca, Coral Gables Resident

Carlos Santero, President of the HOA

Laura Russo, Co-Counsel for Gulliver Schools

Tucker Gibbs, Co-Counsel for Gulliver Schools

Tim Plummer, Traffic Consultant

E-6 Time Certain [Start: 10:18:11 a.m.]

An Ordinance of the City Commission of Coral Gables requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:

- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
- 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
- 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,
- 4) An amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations; providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0)

Mayor Slesnick: We now have our 10 o'clock certain item, and as we go to that, I'm going to call on Vice Mayor Kerdyk.

Vice Mayor Kerdyk: Yes, Mr. Mayor just a point of personal privilege, the matter that's before us is a quasi-judicial matter, and as a member of the Board of Trustees of Gulliver Academy, I am under the opinion that provision of Chapter 286, Florida Statutes, I should recuse myself from participating or voting on this matter. So thank you.

Mayor Slesnick: Thank you. We will call you back when we are through.

Commissioner Anderson: Don't go too far.

Mayor Slesnick: This is Item E-6. Madam City Attorney, do you want to....

City Attorney Hernandez: E-6 – I will be right with you.

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Mayor Slesnick: OK. We are taking this item from the Planning and Zoning Board's 6-0 recommendation, and Eric will make a presentation. Let's just somewhat layout for everybody what's happening here. First we will hear from our staff; second we will hear from the Gulliver Academy; and third I guess we will hear from the Homeowners Association, which was part of an agreement that was reviewed by the Planning and Zoning Board; and then finally we will of course take public comment from people who have filled out public comment cards, and I would ask that if you are here but you did not know, out in the hallway there are public comment cards, and you fill these out and give them to the City Clerk, we then call upon you, but I will tell that if you wish to speak we only take the public comment cards up until the time we start the public comment and we cut it off after that, so you would need to get them in before we open the floor to public comments, and if you read the rules on the back it just helps us move along. We try to be fair to everyone and hear everyone, but we ask you to refrain from more than three minutes of comments and we will try to get everyone in; and furthermore, let me say this, and this may also assure some of you that if you don't like speaking, you can fill out a card and say, "I do not wish to speak", but file your comment on the card and we will put that in the record. Secondly, I have here before me, the Clerk says 39 pieces of e-mails; these are e-mails which we have received that we have submitted to the Clerk for adding to the record. So if you have submitted an e-mail to us it is in here, or you can always ask the Clerk to review it later to see if your e-mail is in here, but the e-mails will become part of the record, and I will give these back to the Clerk without objection, they are now made part of the record. So having said all that, Mr. Riel.

Mr. Riel: Good morning. Mr. Mayor, I might ask you, my presentation is about five minutes, I know the applicant has a presentation of about five or ten minutes, perhaps if you would allow us to go through both presentations, we might be able to answer the questions and make it probably briefer for you.

Mayor Slesnick: So you don't want us to interrupt you?

Mr. Riel: Nicely, yes. Good morning. You have a lot of exhibits in front of you, a very large packet; I just want to take about a minute to go through what you have in front of you. You have the actual ordinance which is part of the packet, Exhibit A; you have conditions of approval, a clean version, conditions of approval, a strikeout/underline version; you have the Gulliver application which is the large document with the clip on it. Within that document you have the

letter of intent, basically the site plan, the request for encroachment, the settlement agreement, which I will go into briefly; the mapping; aerial photos; pretty much full sets of plans; the previous agreement regarding the closure of Red Road; survey, and then all the traffic reports that were completed by the applicant. In addition, in our packet we have the Board of Architects preliminary comments; our City consultant, our traffic consultant, two different memos from Marlin Engineering regarding the traffic study as well as special events. We have three Planning and Zoning Board sets of minutes, this went to the Board three times, and then we also have public comments. Walter is going to hand out to you some hand sheets, the comments we received since the packet was distributed last Friday. I'll just tell you this application we received over 1,300 comments throughout the process, which I can tell you being here that long it's the most comments we've ever received on an application to come before the Commission. Basically, what this is an amendment to the Master Plan that provides for new classrooms, additions to existing classrooms, and support facilities, a new pavilion building, a new gymnasium, auditorium, new natatorium to replace the existing open air pool. No increase in students are a part of this request; the student enrollment remains at the same 1,162, it's basically an addition that results in approximately 77,000 additional square feet on the property. They had approval for, I believe, up to about 120, but they did not construct all of that, and the school typically as well as the University of Miami, a master plan is done for the future development, in most instances everything is not always build-out and things change. The application went to the Planning and Zoning Board on three occasions. The first meeting was entirely public input, three and-a-half hours of testimony; the second meeting was about another hour of input; and then the remaining portion of the second meeting was about two hours of deliberation for the Planning and Zoning Board. At that meeting the Planning and Zoning Board, after all the additions were identified, although the applicant had done significant outreach, the Board asked Gulliver to meet with the adjoining HOA (Homeowners Association) to try to work out some of those issues. The end result was the agreement, which you have before you, which is Exhibit F-2, in their package. In summary, I'll just like to go over it very briefly, basically what that agreement provides for is for the encroachment and the natatorium 5 feet into the 80 foot established setback, provides for a maximum height of that natatorium subject to it being residential in design and character. It provides for the closure of the existing Campamento Avenue vehicle access prior to the 2011 school year, entire closure. You know that there is a rear gate that provides for delivery, provides for parents dropping off their children, provides for the administrators and teachers to access the rear of the property; requires construction of an alternate private access road that is shown on the site plan. Basically, with the closure a proposal is to put a roadway parallel to Campamento Avenue that accesses off of Red Road, that meanders through the over stored vegetation, results in no removal of vegetation. It does require a minimal encroachment into the right-of-way of about 7 or 8 foot pavement. It doesn't result in the moving of the fence line because actually that fence line is not straight down the right-of-way. So that request for encroachment is also included. It eliminates again, UPS deliveries, and

actually the agreement has that being completed within 30 days; provides for additional landscaping on Campamento Avenue, it also provides for an access gate from Gulliver onto Campamento for maintenance. One of the conditions staff put on is that they have to maintain the adjoining right-of-ways; they need obviously the opportunity to bring mowers and that sort of equipment to maintain those adjoining right-of-ways. As I indicated, the agreement was presented to the Planning Board; at the third meeting, one of the provisions staff said that, we indicated that, we have to go back and obviously look at whatever is in the agreement doesn't violate the Zoning Code regulations. Also, in terms of fire and emergency access, we needed some additional input from additional departments. So I did that, coordinated with Public Works, Public Service, Police, Fire, a number of other departments; and the end result was, Fire felt that a private access road is sufficient enough with the current fire hydrants that, that can serve and that gate can remain closed, it's not needed for emergency access purposes. That was one of the main reasons I brought up at the Planning Board meeting, I wanted to make sure that the public safety aspect was not compromised pursuant to the settlement agreement. Let me just go over Exhibit "B", some of the conditions. As you know when schools come through, it's probably one of the applications that the department as well as the Planning and Zoning Board have numerous conditions. Just briefly, we have numerous conditions regarding school use and operations that deal with point of contact and shared use of the facility. All buildings that are going to be constructed on Gulliver have to go through Board of Architects review for architecture. So all the new buildings that you see on that site plan has to go through Board of Architects review. Condition on construction programming, the limitation on the maximum number of students, limitation on the use of the athletic fields, tennis courts, equipment, limitation no after hours school activities, special events parking plan, a very specific traffic circulation plan, very specific provision in terms of the use of where visitors park, where the teachers park; there is a requirement for on and off site improvements to the front of the property on Red Road, Bernal, Campamento; there is a requirement that the applicant maintain the landscaping. Then the conditions have been amended pursuant to the private agreement for the closure of Campamento Avenue, that's included in condition; conditions of student drop off, staking of delivery services, drainage requirements, and then basically the other requirements, no lighting on the fields, no amplified speakers. As the Mayor indicated, the Planning and Zoning Board did recommend approval unanimously 6-0, again subject to staff going back and looking at the specific issues. That pretty much summarizes my presentation of a process that included about 9 or 10 hours of meetings in front of the Planning Board. I know the applicant has done significant outreach, in fact as a part of the outreach that staff did, we did five separate mailings not the typical 1,000 feet, we did 1,500 feet as well. So that's probably another reason we got 1,200 comments as well.

Mayor Slesnick: Let me also tell everybody that this information which has come to us is also part of the record and will be without objection officially entered. So, that includes the

transcripts of the Planning and Zoning Board hearings, it includes the input, it includes the staff's presentation, and the petition and the back-up, and about 20 exhibits. So it's all in. Thank you Eric. Laura.

Ms. Russo: Good morning Mr. Mayor, members of the Commission, for the record Laura Russo with offices at 2655 LeJeune, here along with co-counsel Mr. Tucker Gibbs representing Gulliver Schools. I'd like to introduce on behalf of Gulliver Schools Mr. Jeff Bartel, who is Chairman of the Board and President of Gulliver Schools, along with Mr. John Crutulus who is head of schools. Also, here with us this morning our consultant, our architect Mr. Gary McGraw, of Gili-McGraw, and our traffic consultant Mr. Tim Plummer, of David Plummer and Associates. I'd like to give you just a little bit of background. Gulliver has been working for a few years with city staff and within their own confines trying to find ways to improve their previously approved Master Plan in order to accommodate the changes that are occurring in education today. As Mr. Riel told you, we had two meetings over the summer with the Planning and Zoning Board public hearings that we long and difficult meetings. At those meetings with the extent of public comment that took place and the discussion that went on among the members of the Planning and Zoning Board, it became apparent that there was a depth of concern over Campamento Avenue and the impact that it had on the neighborhood with Gulliver using it for its deliveries and access. As a result of those meetings, the public input, and the direction from the Planning and Zoning Board, we took a step back and took several months and we had very long, arduous, deliberated, at times extremely contentious meetings, with the Homeowners Association and their representatives. So, I can tell you that the settlement agreement that is before you is not something that was put together overnight, it was something that was worked on long and hard, and with good faith from both parties. As a result from all these meetings, there were some changes in our Master Plan in our original submittal. The primary one being the creation of an alternate access drive that runs parallel to Campamento Avenue, and we have proposed it in such a way to preserve the mature over story trees without having to lose any, without having to move the existing fence line that separates the school from the City's swale area, and the paved portion of Campamento, and we are also proposing to increase the existing buffer. Our proposed Master Plan revisions include extensive landscaping along the entire perimeter of the school grounds, discontinuation of the use of Campamento Avenue access by UPS trucks, we actually named them the easier, smaller trucks that can be moved to the front entrance within 30 days of approval of the Master Plan in order to alleviate as much as possible the burden that the neighbors have felt. We also have the proposed discontinuation of the use of Campamento access altogether by the start of the school year 2011-2012. Now the Master Plan revision includes much needed new classroom buildings, some of them will take place, or will be erected where there are existing one classroom buildings. There is going to be, we call it a "gymatorium", which is a combination gymnasium-auditorium, right now the campus does not have a covered public assembly area, and they are subject to inclement weather and regrouping

to smaller classrooms and stuff. The replacement of the baseball field house pavilion building and a lot of these changes are due to changes in the educational system that has occurred over the years. Some of you may or may not know, these are pre-K through 8th grade. Well some of the programs from High School have now been moved and they are starting as early as the 6th and 7th grade; the architecture program, the engineering program, the robotic program, and the high school won an award for the desalination of water, and it was actually taken to Haiti; programs are now being moved as early as the middle school; multiple language, the computer lab, band, dance, etc. So they need to constantly upgrade the facilities while at no time increasing the student population. We respectfully request that you approve our numerous applications. We have an application for a site plan, which is the Master Plan revisions, a PAD application which allows, or actually controls the ability to make any changes to the site plan, and more importantly the two encroachment requests; one is the encroachment request that would allow for the alternate service drive to be erected on the south side of the campus, it's not moving the existing fence line, but in order to preserve the trees it would require an encroachment and easement agreement with the City, and also an encroachment on the triangular island that is on the western boundary of the school up around the exit toward Red Road; and these are done in order to improve the traffic movement within the school circulation and also to alleviate the delivery of service vehicles and stuff to the campus. I'd also like to point out that the school has agreed to add an additional Police Officer in the morning to help control traffic, since apparently at the exit for Gables by the Sea there are parts of the school that cannot, I'm sorry, there are parts of the homeowners that sometimes can't leave because the intersection is blocked, and so this Officer will be there in order to help keep people from blocking the intersection and allow them to leave their subdivision. We have reviewed staff's report, we have also reviewed the recommended conditions for approval, and we accept those conditions of approval that have been placed, and we respectfully request that you approve all the applications that are appear before, and we are here to answer any questions you may have, our consultants are also here to answer any questions you may have. Thank you.

Mayor Slesnick: Mr. Cabrera.

Commissioner Cabrera: Ms. Russo good morning.

Ms. Russo: Good morning.

Commissioner Cabrera: As usual you did a phenomenal job of framing this interesting application. Why don't we get down to the issue of the gate, because that's why the majority of these people are here today, and that way we can possibly attack it early and be done with it and let them go back to their homes and work and whatever else they do. Talk a little bit about the issue with the gate access that will be removed from this new agreement, would you?

Ms. Russo: Yes. There is currently an existing access to the school on Campamento Avenue, and it is the service access for the school, it is where delivery trucks come delivering food, paper goods, baked goods, UPS, Federal Express, book deliveries, it's the service entrance, it's the entrance the Rich maintenance vehicles go, and it also is the entrance to Parking Lot "F", which is a parking lot for teachers and administration, approximately 70-some parking spaces, it is also an access point for 17 or so Gulliver families whose children live in the neighboring neighborhood. At the Planning and Zoning Board meeting, at both meetings it became very clear and if you read the transcript or watched part of the meetings on television, you'd see that the neighbors that live on Campamento and some of the neighbors beyond Campamento felt the impact of the use of this service entrance.

Commissioner Cabrera: Primarily, can you tell me primarily for what reasons, was it the service vehicles?- was it the teachers parking?- what was the issue that created the consternation for those that live right next to the school's perimeter.

Ms. Russo: And I will try to do my best based on what I culled from the comments that were made; there were people who were upset with having to view the service deliveries, the timing of the service deliveries, the fact that sometimes trucks queued up on the swale while waiting to get access to the gate, there were people who were upset with the gate being left open on occasion and having to view the inside of the campus, there were people who were upset with parents who dropped off their kids and would use their driveways to back in and out, parents who queued up on the swale. So there were numerous discussions, it wasn't just one particular issue, it depended on the particular homeowner, but the testimony is in the record.

Commissioner Cabrera: Just a lot of volume, intensity to the area, and I understand all of that. At any point in time at any of the meetings that took place, was there a discussion on a compromise?- specifically, let me be more specific than just keep it as an open ended question. Was there any discussion about continuing to have a gate so that there would be access to, I think you mentioned 17 families or so that have children attending the school, for life safety reasons in such a way that it would keep the service vehicles away, it would keep away the queuing of vehicles away, and how the school does that is up to you all, but if there was a mechanism to ensure that all those intense activities that bother the neighbors, by the way, how long has Gulliver been there?- how many years?

Ms. Russo: Since 1966 – '65-'66...

Commissioner Cabrera: OK. So those neighbors some of them may have been there since '66 or '65, whatever, but I was just curious. So at least those 17 families or 20 families or whatever the number of families is could continue to use the gate to get to and from the school.

Ms. Russo: Yes, there were discussions of all types of compromises...

Commissioner Cabrera: And?

Ms. Russo:...and some of the discussions actually took place at the Planning and Zoning Board where there were some Planning and Zoning Board members that thought it's a public road it should never be closed, we should never close off public access to a public road, there were others who thought it should be closed off only to service deliveries, but you know, not to the big trucks that needed to be delivering to the kitchen and to the other supplies. There were people that thought it should be closed completely altogether, and I can tell you in the numerous long hours that we met with the homeowners and their representatives, we looked at all different ramifications and different ways to try to settle this, and the removal of Campamento Avenue's access became surreal, because of the use of it, and the volume that it could create, and we looked at all different ways, this wasn't a decision that was lightly made.

Commissioner Cabrera: I'm not suggesting that. I never suggest that, but you know one of the unique features of our City is that we always try to do things that are not the norm, they are unique and they help us improve the quality of life for people, and I understand the concerns of traffic and the intensity of service vehicles. I understand how some parents would take advantage of the fact that there is a gate there, and in order to serve their own conveniences and lack of effort they would want to queue there, and park and wait for their child to come out, but then I also see the other side of the spectrum, and I know we've got 17 kids or thereabouts, that could benefit greatly from this, and I know that there are life safety issues on Old Cutler, I'm well aware of those. So what I'm trying to do this morning because I think we are going to come up to some decision and one decision is simply to support what Gulliver is attempting to do, which incidentally I support all of their efforts, but this is the thing that's sticking – I mean, in the last 72 hours which is usually the way it works around here, we've gotten lots and lots of e-mails because people have woken up and have realized that this issue is coming before the City Commission, and I understand, I'm fully aware of how things work around here, and now it's on our plate, so today we have to come up with something. You know, my concern as it relates to this application has to do with, and I don't want to get everybody all choked up, or try to use emotions to sway you, but the reality is if we close this pedestrian gate for these kids, and one of them get struck by a vehicle, then it's something that I don't want to be remembered as having been the Commission that decided to close the gate. On the other hand I want to maintain the quality of life for that neighborhood, and I don't want to see the neighbor suffer from the intensity that's been....

Mayor Slesnick: And it goes further than that too. Who's representing the Homeowners Association here?

Ms. Russo: Excuse me?

Mayor Slesnick: Who is representing the Homeowner Association?

Ms. Russo: Mr. Dickman.

Commissioner Cabrera: Are you asking them to come up and talk on this matter?

Mayor Slesnick: Yes.

Commissioner Cabrera: OK. Well, I just want to finish my thoughts.

Mayor Slesnick: OK, OK. I'm sorry, I thought...

Commissioner Cabrera: Because at the end of the day, I mean, I appreciate the fact that the Homeowner Association's leadership is going to be here to tell us how hard they worked on this, and I'm sure they did, but we are the ones that are held accountable.

Mayor Slesnick: But I think it goes deeper than that. I think if the Homeowners Association withdraws their agreement, then it needs to go back to Planning and Zoning.

Commissioner Cabrera: What if we amend the agreement?

Mayor Slesnick: That's what I was going to ask the Homeowners Association.

Commissioner Cabrera: OK. That's fine, that's fine, but I mean, I was still in the middle of my...

Mayor Slesnick: No, I'm sorry; I thought I was just adding to what you were saying.

Commissioner Cabrera: Well, I appreciate it.

Mayor Slesnick: I'm backing off.

Commissioner Cabrera: No, no, don't, because what I think what you are trying to do is bring another party in to help the cause, and I'm all for that, I just want to get through this thing today so we can decide on this gate issue once and for all, and everybody goes home happily ever after until the next hot button hits them 72 hours before a Commission meeting. So you want to bring him up?

Mayor Slesnick: Here's my point Ralph. You've raised some good issues and certainly people in the neighborhood have raised some issues, and other people have raised some issues, but the Planning and Zoning Board voted based on an agreement between the HOA and the school. I think if the HOA were to withdraw their agreement it would have to go back; I don't think we could move forward without – this is one of the primary foundations of the P and Z Board vote is the gate, and I think if we need to hear from the HOA would they accept the leaving open of the

pedestrian gate or not, and if they won't I think that throws me at least in a state of confusion as to where I head from here.

Commissioner Cabrera: Let's do it.

Mayor Slesnick: Tucker you get a chance here.

Commissioner Cabrera: Thank you Don, by the way, thank you for doing that, for helping me out with that.

Mayor Slesnick: OK. Hi yes, please.

Mr. Dickman: Good morning, Andrew Dickman, counsel for the Gables by the Sea Homeowners Association.

Mayor Slesnick: Andrew, welcome back, good to see you.

Mr. Dickman: Thank you very much, good to see you too sir. Yes, it's true, we do have an agreement, it took a lot of work. We have – I'll just lay this out for you...

Mayor Slesnick: Hold on for a second. This is a quasi-judicial hearing and the City Clerk has reminded me that we are going to have to swear in all the witnesses, does not apply to the attorneys representing the applicant, but all of you who intend to speak, Mr. Dickman including you, I'm sorry I put you in this position, but all those who intend to speak if you would please stand and raise your right hand, the Clerk is going to swear you in. Just everyone, the lawyers behind you are swearing in. OK, Mr. Clerk.

City Clerk Foeman: Do you solemnly swear that the testimony that you are about to give today will be the truth and nothing but the truth?

All: Yes.

Mayor Slesnick: Thank you all very much, and by the way, we would never suspect that either lawyers or the citizens of Coral Gables would tell anything but the truth, but it's a requirement of the law. So Mr. Dickman please.

Mr. Dickman: Once again, Andrew Dickman for the Gables by the Sea Homeowners Association. There are approximately 400 homes in Gables by the Sea, approximately 100 in Pinecrest by the Sea, we have had a total of 15 HOA plus community meetings on this issue going back many, many months. The Gables by the Sea Homeowners Association Board, by the way, the President Carlos Santero is here as well if you need to hear from him, voted with a resolution to approve the final agreement with the plans that are dated October 20th, and yes the gate is a major factor for us, it wasn't the only factor, but it was a major factor, and let me just

explain why. There are also in the record you will see photographs of trucks that have been very, very large trucks that queue in that area, there is a lot of chaos in that area in the morning, in the evenings, during the day; there is destruction to private property where people will use homeowners that live across from the school to do a three point turn, and some of it will go into their lawns, in fact one or two property owners have had to put orange cones in their driveway to keep people from turning around in that area. As far as we know the families that are now raising this issue were not involved in this process early on, we've had like I said, none of this has been done behind closed doors, in fact the agreement was put into the public record at the Planning Board, its completely transparent, it's been negotiated in full public and as I stated before that we feel that is has been a key issue to try to save that residential character, not only for the homeowners that live directly across from that gate, but everyone that uses that passage way along Campamento that come and go. Gulliver has told us that in this agreement they are in agreement that they believe that their students should all be dropped off in the front, they would create a more manageable situation with all the children being dropped off at the same place, and that you don't have children walking through areas that possibly they could be injured, that was brought up about being structured traffic, I think there is more hazard to children to have them walk, but most likely have them dropped off at this area, and there is no way to manage that, absolutely no way to manage it. We believe that what we have in place is a solid agreement, again it's been done completely out in the open, hundreds of hours have been dedicated to this agreement, and it is imperative that this agreement gets approved, and we would ask that you approve the Master Plan as it is along with the agreement.

Mayor Slesnick: If I could ask you to comment, and certainly any of the lawyers for Gulliver could comment too, but it would be my interpretation of this that if the school has signed on to this and the school agrees to do this, then this is an issue between the school and its students.

Mr. Dickman: We've indicated that to the school as well. They need to explain to their students....

Mayor Slesnick: This isn't really a City issue...

Mr. Dickman:....that Gulliver has conceded to and that in fact the arrangement that they now have in front of their school I think makes it more manageable for them. I'll be happy to answer any questions; Carlos is here if you'd like to ask him any questions.

Mayor Slesnick: We may be back to you.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you. Before we go to the public hearing and I've got the cards in front of me, are there any other comments by the applicant or by the staff?

Commissioner Withers: Can I ask Eric one question? Is there any reason why this access gate couldn't be moved 50 feet to the west?

Mr. Riel: It's actually as a part of the conditions, we asked for the maintenance access gate which is the gate that I was talking about in my presentation be moved further to the east down by the baseball field. Those plans do not reflect the agreement in terms of the location of the gate.

Commissioner Withers: I'm talking about right here.

Mr. Riel: That's where the existing gate is; if this is approved today this would be removed.

Commissioner Withers: Totally.

Mr. Riel: Totally, yes.

Commissioner Withers: The only access would be through here.

Mr. Riel: Correct.

Commissioner Withers: Good. It's to the east not west, I was backwards.

Mayor Slesnick: Any other comments? OK. We are going to go to Richard Arnold, 1180 San Pedro Avenue. Mr. Arnold.

Mayor Slesnick: Billy? By the way if you move that in the center too, you have a chance so that both people...no, no, no, Mr. Arnold stay here, we are setting up – we have a light system now, we've gone to the 21st century, we have green, orange, your time is up when the red goes on, its three minutes, and I just want you to be able to see it. Mr. Arnold.

Mr. Arnold: My name is Dick Arnold, I live on 1180 San Pedro Avenue, and I have lived there for 38 years. The overwhelming majority of Gables by the Sea and Pinecrest by the Sea residents strongly object to the current request of the expansion by Gulliver Academy. We have objected to their expansions over the past many, many years and little by little they have chipped away at our objections and they have gotten almost everything that they wanted. In an attempt to resolve the expansion controversy representatives of the homeowners met with those of Gulliver and reached an agreement, which included closing the gate on Campamento Avenue. As I've said, I have lived there for 38 years, my children had to cross over on Old Cutler Road in order to go to Pinecrest, and now my grandchildren have to cross over in order to go to Pinecrest. I know I'm saying this under oath, my children and grandchildren are worth more than anybody else who has to go into Gulliver or anywhere else, and they have just as much risk when they are driving on Old Cutler Road as the 17 families who want to get access through Campamento. In addition to this, I want you to understand that the other 17 families, if that gate is opened a lot of other

people would also use it. I went there the other day, I was riding my bike down Campamento, there was a truck that blocked the entire road, and I asked him to get out of the way, and he had controversy with one of the members of Gulliver and he wanted to get in and they wouldn't let him in because it doesn't open up until 7:30 a.m., and I was standing there waiting to cross. The same thing happens when you have parents who are dropping their children off at school at Gulliver, they will occlude the entire entrance. Now, a small minority are now trying to overturn the compromise because they would have to enter the school the way everybody else does and have to encounter the same traffic that the rest of us face every day. For peats sake, we are talking about 17 families that may block this entire agreement, that's ludicrous. I think – we have an agreement, it should go through and I see no reason to try to stop it and start it all over again. I have been to everyone of these meetings and I don't know of any of the people who are objecting to this agreement, although it's 17 families, I don't think they've been to the meetings, and now at the last minute they think that they have been blindsided when all of this was open to everybody. Thank you for your attention. I respectfully request that you accept the agreement as it has been presented. Thank you.

Mayor Slesnick: Thank you. Ms Beverly Arnold, 1180 San Pedro.

Ms. Arnold: Good morning.

Mayor Slesnick: Good morning.

Ms. Arnold: My name is Beverly Arnold, I also live at 1180 San Pedro Avenue, and I have lived there for the past 38 years, and I have seen Gulliver Academy grow from pre-school to elementary school to that which is presently expanded, which is much more than anyone ever expected living in a residential neighborhood. There have been many controversies over these expansions, and those which we fought namely putting a high school on this property which we were successful in preventing. Each time the school has come to the Commission and the neighborhood to be the final expansion in the Master Plan, yet in a few years they are back asking for yet another change. The latest request had been met with much opposition by the neighbors, due in great part to the size and scope of this proposed project. Those next to the school are most affected by the traffic; illegal parking, lack of concern for these neighbors, and general inconsiderate behavior on their properties, but the whole neighborhood feels the effects of noise at sporting events, traffic through our streets, and the feeling that we are trampled by influential parents and alumni who feel that it is their privilege to use this property to our detriment. We have been to numerous meetings before the Planning and Zoning Committee and have expressed our concerns and our opinions, and after many compromises on the part of the homeowners as represented by the Homeowners Association and our attorney, an agreement has been worked out which very much favors the school, but which specifically states that there would be no traffic of any kind through our neighborhood. No delivery trucks, no construction

vehicles for the years that this expansion is going to be taking place, and no dropping off of students at that side gate, as well as no faculty access to our streets. The fact that none of the objecting parents who are now so concerned that they going to have to enter the school from Old Cutler Road had either the time or the inclination to show up to any of those meetings the better part of this year is now a late ploy to undermine the majority of the neighbors for whom they obviously no community regard. Thank you.

Mayor Slesnick: Thank you.

Commissioner Anderson: Thank you.

Mayor Slesnick: Margarita Brito representing the Gus Family Trust, 13404 S.W. 58th Avenue.

Ms. Brito: The reason I'm here today...

Mayor Slesnick: Pull it down right, aim it right at your mouth and we can hear you.

Ms. Brito: The reason I'm here today is because I now have my house at 13404 S.W. 58th Avenue, it's on sale due to the many problems that most of us have confronted today. I'm planning on moving to 1460 Campamento Avenue, which is right across the street from Gulliver. I have had the problem since 1993, which I bought it at the time for my daughter and granddaughter which lived there until 1999. The reason I'm explaining this is because I'm planning on moving into 1460 Campamento now, and the property is empty. I have been trying to move parts of things from one house to the other one, and it's been like a nightmare. I took pictures the other day which I gave to my next door neighbor, Nancy Rodriguez, and was unable to get to my house because of the people going to the other side to pick up the children in the morning. When I came back in the afternoon it was the same thing; this lady came driving through my driveway, when she saw the tail of my car, then she just jumped into my grass and went around. I went right behind her and took pictures of her plate, she saw me, maybe she is here today. I am just trying not to make a fight about this; I'm just trying to make people understand that there are other people that would like to live in the same way they are living now. Nobody is going to your houses and is making your life impossible. I am not very young any more, I would like to live in peace and quiet just like everybody else because I decided to take that community because it's a very good community, everybody respected each other, but now a-days nothing like that is happening. I'm sorry I am taking so much of your time, I don't want to do that, I don't want to feel that I am being antagonistic. I arrived in this country in 1960, I am very proud of myself and what my husband used to do in this country, and unfortunately he died, but the thing is I have to be confronting myself with all this nonsense now; I don't think it's fair to the neighbors that live right on Campamento to be dealing with all this nonsense; be fair to each other, try to talk the truth about each neighbor, don't be telling lies, don't be trying to do these things. You people can walk there, you people can just try to make the children understand

and they are going to be more honorable, and they are going to be very civil in the future, believe me. Thank you so much and you have a wonderful day.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you. Nancy Perez, 1440 Campamento Avenue.

Ms. Perez: Good morning Mayor, Commissions, thank you for allowing me to speak...

Mayor Slesnick: Speak right into...

Ms. Perez: I have lived at....

Mayor Slesnick: Turn the mike right to your mouth that way...now tilt it up a little bit – perfect.

Ms. Perez: I have lived at 1440 Campamento Avenue for the past 31 years. I think it all came to a head when Gulliver decided to make the expansion. We have endured for the past 31 years the lack of respect of parents, of delivery trucks coming onto Campamento and doing whatever they please. I have homeowners going right through the driveway going into our grass what Mrs. Brito said, this is not untrue this is fact, and we decided to put a cone. Now we have this ugly cone in the middle of the driveway, the orange cone, to prevent people from driving through the driveway. The moment that we take it off people will take advantage and go through it again, so it is permanently there. We have endured delivery trucks making deliveries at 5 o'clock in the morning, parents – talking about safety issues, my God; you should see the mess in the pick-up and arrival. Parents allowing their children to get out of the car on the public thoroughfare; opening the door, and you are driving by, and you have to be so cautious because children open the door, parents open the door, and leave the doors open, and you have to go around very gingerly. This is a hazard, this is a safety issue, this is major. Cars stacking on Campamento, it's horrible. You try going there in the morning and in the afternoon, it's unbearable. There is also a park, Coral Bay Park there, we have the issue of children going through the park, and you have these huge trucks, and parents picking up the kids, when the only issue is they are picking up the kids and they don't care about anybody else. There is a lot of pedestrian traffic on Campamento and on our streets, and sometimes you can't even walk on the street because you have to wait for dismissal and arrival to be over for you to leave the house. It shouldn't be like that; they expect a certain quality of life just as we do. Please try to maintain and understand our position too. I think 31 years has been a long time already, more than plenty, and I think enough is enough. Truly the disregard of the parents and really the school got everything they wanted; they got the gym, they got the auditorium, they got the baseball field, the only thing we requested was to close off Campamento, is that too much to ask. Thank you.

Mayor Slesnick: Thank you. Carly Fein, 13031 Deva Street.

Ms. Fein: Good morning. I moved into Gables by the Sea one year ago. Part of the reason that I moved into Gables by the Sea was because my children would be able to ride their bikes to school, walk to school and not have to take Red Road. It's a huge benefit, it's a safety issue as far as I'm concerned; I have a 7 and a 9 year old, I think the fact that they would be able to ride their bikes or walk to school is a big deal. I think that it's huge for them to be able to do that, and it's a safety concern for them to go across Red Road. So that's one of the reasons I moved into the development, and I'd very much like to see that at least we have a pedestrian gate, not for deliveries, not for faculty, but at least a gate so that the children can access the gate coming in, lock their bikes up, and be able to go to school, and I didn't really think that was too much to ask. I agree with the delivery trucks, I agree with the faculty, but as far as these children being able to safely go to school, I don't think that, that is really such a big deal. Thank you.

Mayor Slesnick: Matthew Kirsner, 5821 S.W. 132 Terrace. Good morning Matthew. You are a visitor from Pinecrest, that's Pinecrest by the Sea, Pinecrest-Gables by the Sea.

Mr. Kirsner: Good morning Mr. Mayor, and Commissioners, my name is Matthew Kirsner; I am a Boy Scout from 336. I am here for part of my citizenship in the community....I am also a student at Gulliver School, and I would like to support Gulliver's plans. About the gym, I think it's a very good idea because we've had two assemblies this past year, and on both occasions it had poured and there many students drenched that sat in the front row, and this is also good because one, we play basketball and P.E. (Physical Education) and for school; we had try-outs and twice they got flooded, but only once try-outs were cancelled; and now about the back gate. Every morning 17 kids about go through the back gate, and they are all the residents of the community. Along with the students and the Gulliver teachers and their children go through the back. The back gate sometimes does cause trouble, but I think it's very good, if we were to go to the main entrance and if we were to walk home, I think crossing Old Cutler twice would be very dangerous because as someone said before, we could get hit by a car or something that could happen. In the morning the gate is only open for about 30 minutes and in the afternoon the gate is only open for 20 minutes, so this does not cause much traffic. Thank you.

Mayor Slesnick: Thank you. Thank you very much – very good job. Catherine Froelich, 5821 S.W. 132 Terrace.

Ms. Froelich: Hi I'm Catherine Froelich, I'm a physician, I'm the mother of...this is my son Matthew Kirsner. I'm the packet lady that you guys got the packet, this is another packet. I'm not a great public speaker, and I got a lot of e-mails when I asked around the neighborhood for people to please let me know if they knew about the gate issue and what they thought about it, and I was honestly shocked that people did not know about it and how many e-mails I did get. This is an e-mail that I wanted to read to you, and I think the crux of it all was the people bought their homes based on the ability for their children to get safely to school and some of them have

to get independently to school, and that was the crux of the e-mails that I got, but I'd like to read this one. *"Catherine, my view is that the Homeowners Association is organized to represent the interests and a resident should not fear the Association intends to act adversely to any number of its residents, which is exactly what it did here. The Homeowners Association could simply have sought an agreement or an amendment to this agreement that the gate not be used for commercial traffic, but instead it availed itself of the opportunity to close the gate completely, an entrance that provides convenience and safety for our children. The Homeowners Association breached its obligation and acted selfishly by knowingly and aggressively pressing an agenda it knew was adverse to some residents"*. I was at many of the meetings, I was at the meetings with 25 or whatever people, where Mr. Santero was elected and that's when the talk about this whole thing started. I was at the meeting where Gulliver came and presented to the neighborhood; I was at the first Planning and Zoning meeting; I went to the beginning of the next Planning and Zoning meeting and was going to speak, but had to get back home. I had been to many meetings, so to say that we haven't been there – the problem is when we were there, their agenda in all their flyers, their petitions and their resolutions, the focus was set on this construction and what the effect this construction would have on our community. The focus never did anyone know that the whole agenda was really to close that gate, and I do feel bad and I do know that sometimes people might turn around in these driveways, and I've been all over the City with people with cones in their driveway when their driveway happens to be an easy turn around, I mean, that happens, I'm very sorry, and I think that we should maybe talk more to the families that use there. I'll do that myself, but I'm showing you a picture there of daily pick-up, that's what it looks like. Do trucks come through?– yes, we are not arguing about trucks, that is not our argument, our argument is about the pick-up and drop-off. Many of these families pick their homes because of this; some of these people don't drive, some have young children at home, it's not right, it's not right what they did, and a simple amendment would take care of it, and they won't do it; and talking about safety – I went to the Police Department and I asked about number of accidents, and I got the number of accidents that are inside the gate, like if you can see there is an intersection of 57th and 128th and that's where the kids have to pass to go into the Campamento gate. There are two accidents there in ten years, two accidents in ten years and they were fender benders. There were a few incidents at the guard gate, but I don't think that has to do with this. I then found out about the accidents that were at Old Cutler...

Mayor Slesnick: Ms. Froelich time.

Ms. Froelich: I'm sorry – Old Cutler and 128th, in the past five years, not ten years, but five years there've been 29 accidents there. So, I know that he values his children, I value mine too, and I know that they have safety concerns, but there aren't accidents there; the accidents are outside the gate where we are now forced to send our children. So, I thank you.

Mayor Slesnick: Thank you. Christiane Jung, 5841 S.W. 132 Terrace.

Ms. Jung: Good morning. Thank you for giving me the opportunity to speak. Dear Mayor Slesnick and the Board of Commissioners, my name is Christiane Jung, my husband, our children and I are residents of Pinecrest By the Sea/Gables by the Sea, I'm speaking in front of you today to voice my concern about the agreement the HOA made with Gulliver Academy to close the pedestrian access on Campamento to the school premises. I would like to make it very clear that contrary to what the HOA claims, I'm not opposing the closure of the gate to the teachers and delivery trucks, I'm only opposing restricting the access for our children. The agreement which was made is simply unacceptable as it jeopardizes the safety of the children who live within our community. The HOA claims they made this decision with the best interest of the residents, but I ask you whose interest are they supporting if they are endangering our children's lives. Not once in any of the letters of the HOA to the community was there a mention that our children would be affected by the closure of the gate, we were simply misled. To give you a picture of the situation, the closure of the gate will force our children to leave the premises of the Gables by the Sea and as there is no sidewalk along the northbound lane of Old Cutler, the children will be forced to cross Old Cutler twice in order to get to school. Many of the children walk or bike to school and this situation is an accident waiting to happen. I would like to pose a question to the Board of the HOA; based on your decision, will the members who voted to close the gate also be responsible if one of our children is injured on their way to school. I would also like to point out that if our children are no longer allowed to access the gate, they will be the only children forced to leave the safe premises of this community in order to get to school. All other children are allowed to stay within these boundaries to safely board the bus. The HOA claims that the cars of the parents waiting outside of Campamento gate are causes of concern, however if you drive two streets down you will see that in front of my house as well as several other houses in the neighborhood you have a similar situation. Every morning and afternoon cars are parked on my lawn of parents who are waiting to drop off or pick up their children from the bus. I ask you where is the difference? I believe it is also worth mentioning that contrary to the disastrous picture the Board paints about the traffic mess at the gate, in the 20-plus years that this gate is within the community there have been no major incidents. We have made several attempts to speak to the Board of the HOA to discuss our concerns and to try to find an adequate solution for all, but not one member was willing to meet with us. As a matter of fact we were not only blown off, we were also being blamed for trying to undermine their efforts. To make matters worse, a notice was published to all the residents on November 5th claiming that residents which have children at Gulliver Academy would like to see the gate remain open. The statement is simply false. The fact is we are requesting only a pedestrian walkway for our children to ensure that they get safely to and from school. In closing, I would like to say that the Board of the HOA made a hasty unwise decision which will have a negative impact on the youngest children of this community. I urge Mayor Slesnick and the Board of Commissioners, please support our cause, please save the pedestrian access for our children. Thank you very much.

Mayor Slesnick: Thank you.

Commissioner Anderson: Thank you.

Mayor Slesnick: I take it you are talking about a Dade County School bus?

Ms. Jung: [Inaudible – off mike]

Mayor Slesnick: You just referred to the bus, I wasn't sure.

Ms. Jung: I'm talking about all the county busses come within. Parents you are welcome to come by....[inaudible]...

Mayor Slesnick: OK. OK. Jose Machado, 1060 Lugo. Jose Machado once, twice, I think he left. Kristine Fonseca, did I get it right?

Ms. Fonseca: Yes.

Mayor Slesnick: OK – great, I'm sorry, 1500 Campamento Avenue.

Ms. Fonseca: Morning. I'm Kristine Fonseca, and I live on 1500 Campamento, so I'm the house that facing the gate, and I've been there for almost 10 years now and there...

Mayor Slesnick: Wait, excuse me one second, the lights are – OK, go ahead, I'm sorry to interrupt you, but go ahead.

Ms. Fonseca: I agree with you, with what you said in the sense that if the HOA and Gulliver had reached this agreement to close the gate that it would be a Gulliver issue with the parents as far as using it. I do however, agree about the safety of the children, and I am not opposed that if it's used as a pedestrian walkway that it is just for that, a pedestrian walkway because as I leave my house in the mornings I come out there are cars, so if your child is riding a bike or walking to school there shouldn't be cars there. So, if these children that are older want to walk to school, I don't have a problem with that; what I have an issue is the amount of traffic. To me it's more of an issue of the delivery trucks, the fact that I can't get out of my driveway, because at 7 o'clock in the morning when I leave to take my kids to school I have a huge truck that is enabling me to cross the street, which will result have my kids late for school. So my issue is really with the delivery trucks and it's not only about the safety of how they turn the curve where we have a lot of children walking and riding their bikes since we have the park next door, it's also in entering our community. I have had three instances where I have gone entered Gables by the Sea and I have had a service truck who is suppose to give the residents the right-of-way to continue on to the stop sign. On three occasions I had been almost cut off by these cars and they are actually going to deliver the trucks. I have gotten their numbers to speak with their companies and it's been an issue not only for my safety and also my kids are in my car. So again, I am in agreement

that you consider the closure of the gate, but I am not opposed that if you live in Gables by the Sea and you have a child who wants to ride their bike or walk to school, it is a safe community.

Mayor Slesnick: OK, let me ask you about that, because that's very important. Your position is walking or riding a bike, but you would be opposed to continuing to allow parents queue up and drop their children in their cars, I mean, that's very important. I'd like to understand your position on that.

Ms. Fonseca: It is. I think that if you are going to get into your car to take your child to school especially if you are coming from Pinecrest By the Sea, if you are already in your car to drive your child to school, it's not a big deal to exit the community and go a block inside. If your concern is for your child to have access to that gate because they ride their bike to school or they walk, absolutely they should have an entrance to go and use it.

Mayor Slesnick: So you would still oppose the queuing of cars and dropping off...?

Ms. Fonseca: Yes I would. I think that at that point if you are going to get in your car to drop off your child to school you could exit the community and take them to school.

Mayor Slesnick: OK. Thank you. Is it Carlos Santero, 12500 – Carlos, how are you today?

Mr. Santero: Fine, how are you?

Mayor Slesnick: Carlos, we need to get you to write differently here, 12500...

Mr. Santero: I was a doctor in a past life – 12500 Ramiro Street.

Mayor Slesnick: Ramiro Street – thank you Carlos. How's your brother?

Mr. Santero: Doing good.

Mayor Slesnick: Good.

Mr. Santero: I just want to mention one thing; I'm Carlos Santero, President of the HOA and we did have countless meetings regarding this issue. We had many meetings that the community was involved, we had three Planning Board meetings, everybody heard concerns. There were countless petitions that went around against the development, the biggest thing that was being cited the whole time was the rear gate, the trucks and the rear gate, so it's important for us to negotiate this rear gate issue with Gulliver. Gulliver wanted to do some things that we thought was out of character with the neighborhood and so forth, the height of the facilities and so forth, but we basically came to grips with that if they agreed to close the rear gate. The problem with the rear gate, closing it completely and I understand a lot of the parents and where they are coming from as far as it would be nice to drop off your kids and bike to school or walk, but that's

not the case, they get dropped off; this could never be enforced. In other words we say, it's about pedestrians and bike traffic, it's not going to be enforced, they will be dropping them off a block away, they will say walk from here, which creates a more of a dangerous situation. What happens is that this is a public street, and what you have you have stacking there in the mornings and afternoons for the people that are dropping off and picking up, it's a public street and they stack on a public street, and as has been said there is no place to turn around except for people's driveways and pulling up on the sidewalk. The other thing is that is not just a drop off, people park and then walk their kids to the gate, and then they are parking again on the right-of-way on the swales and so on and so forth every morning. This has been a concern of everybody especially on this side of Gables by the Sea, and the majority of the people that are saying we are going to live with this new development, they said at least we get this gate closed at this time, we can live with it, and that's what they've understood what this agreement to be; they want this gate closed, they want to stop that traffic and these are the people that are most affected by this. So the people on Campamento, Bernal, on Cartagena, on Ramiro, all these streets, these are the people that are most affected by this, and it can't be enforced, it hasn't been. We are also aware of they are going to say this isn't the case, but I think Gulliver has acknowledged they are a lot of people dropping off there a lot more than the ones that supposedly have a sticker, and so forth, we didn't have to acknowledge by people we know, Oh, I drop off through your gate, you know, you can get away with it. So it hasn't been enforced, there is no way to enforce it, there is no way to enforce it to be pedestrian and bike traffic alone, it takes a lot more than that. We recommend the approval, we worked long and hard, and we recommend approval of the agreement as it stands. Thank you.

Commissioner Cabrera: Mr. Santero you know your neighborhood better than any of us, and you keep saying, you keep making this comment it can't be enforced, hasn't it ever been tried to any kind of process of enforcement?

Mr. Santero: I think Gulliver – there are a lot of issues and things that have been discussed with Gulliver in the past, they haven't been able to enforce; this year the gate is a big example, how this gate is going to be used in the past. Remember Gulliver was a much smaller school at one time in the past, it has grown over the years, it has a lot more. So it's a lot more traffic, a lot more everything, and so people say you knew they were across the street from the school when you bought, but it's changed; its changed because of all the additions in student enrollment, now the addition of all these buildings, the addition of new facilities, a natatorium with a roof and so forth, and a lot of residents have called me upset about this, and say, wait a minute, the agreement is going to be negotiated and we are going to open the gate again, I want the roof off the natatorium, we don't want a roof on the natatorium, you know. All I'm going to say is we tried to take into account what the majority is, you can't please everybody all the time, there are going to be some people that are not happy; we have taken into account what the majority of

people have requested. Believe me, it has not been an easy process, and to take this heat at the end of the day is really frustrating.

Commissioner Cabrera: Oh really. OK. Welcome to the club.

Mr. Santero: Yes, I'm sure. I don't envy your...what you go through.

Commissioner Cabrera: Yes, it's a lot of fun. I take my kids to school, they attend a private school, not Gulliver, so I don't have to recuse myself; but you know what happens in taking my children to school every morning and some days picking them up, that the school that they go to really does a phenomenal job of maintaining the quality of the neighborhood they are in, it happens to be a Gables private school, and it happens to have a very contentious and a very vocal neighborhood association, that for all intents and purposes the minority of the leadership hates this school. So they go out of their way to make the school's life miserable, but notwithstanding that, they understand that they have to abide by this neighborhood association, and they go out of their way to ensure that the drop off and the pick-up is done in a very smooth manner, and they happen to do a very good job at that. So my point to you on this matter is, I hear what you're saying and I know you've worked, you've spent a lot of time on this process and I know it's the eleventh hour, it's the thirteenth hour; my biggest concern are those kids that Mrs. Kirsner took the time to show us a map of the travel distance, it now extends your travel distance 1.76 miles, whereas before the kids could literally walk into the campus from the neighborhood. By the way, if I'm saying something wrong you are allowed to correct me.

Mr. Santero: No, I haven't analyzed the distance or anything...

Commissioner Cabrera: OK, well she did, she did, but I guess what I'm trying to get at, what I'm trying to get at is, and I am certainly not trying to be condescending to the school because the person that runs the school and I went to high school together, we actually played football, he wasn't much of a football player, but we played football together. The bottom line though here is, that this enforcement issue it can work if in fact the school and the neighborhood can come to a...look at the end of the day I'm going to do whatever is in my opinion in the best interest of all, the person before you who presented, I happen to share her views on the issue. I would be willing to leave it as a pedestrian-bicycle gate, and do very strict enforcement to ensure the quality of life for those people on Campamento is not compromised, because the same lady, Mrs. Kirsner, she gave us a picture of a typical drop-off/pick-up day, I don't want that in my neighborhood, I mean, I counted like 6 or 7 vehicles maybe 8 or 9, I don't want it there; I would be less than authentic if I told you that I would be able to live with that. So I'm just trying to find some sort of compromise, and I realize that...

Mr. Santero: I think your compromise again, if there were a possible way to do that, but I don't think there is. I believe that in time it may start that way, it won't, it won't be enforced, we

would be calling Gulliver, we'd be calling Code Enforcement, it won't happen, people will drop their kids a block away; and let me remind you also about safety. You are talking about safety, I'd be more concerned about that, you know, I'm a real estate developer and the last thing you want is anybody crossing an area where trucks like a loading dock where trucks are going by and these kids are going to be going into that rear gate, that's where trucks are dropping off, and trucks are delivering, and so forth. I think that's more dangerous than to cross in front of on Old Cutler Road where Gulliver has two Policemen now and is now adding a third Policeman on 128th Street. So they are going to have three Policemen, you'll be able to cross if you need to cross, and remember you'll need to cross if you are coming from the other direction, if you miss that I don't think you'll need to cross, but regardless there are going to be three Policemen there, and Gulliver obviously controls the pick-up and drop-off on at the front of Old Cutler, but this rear entrance is what can't be controlled, they don't have somebody there?- is Gulliver going to put a Police there, if they put a Policeman there to give a ticket to anybody that would drop off their kids anywhere nearby or something, but that's not going to happen, that's not going to be enforced. So that's....I

Mayor Slesnick: Can I ask a question?

Commissioner Cabrera: Absolutely.

Mayor Slesnick: Mr. Santero you've raised a good point, and I'd like this to be addressed if I could by the applicant before we close. You know we've had this conversation about people wondering across Old Cutler Road and I guess the mental image I get is young children wondering out in traffic on Old Cutler. Could you please address where they cross and what are the provisions for protecting the children as they cross? Mr. Santero just said you are going to have three policemen, I mean, this needs to be amplified...not right now, are you ready?

Commissioner Withers: Can I ask a quick question? If the scale is right it's about 200 feet from where the gate was proposed to the front of the school, is that about right?- where the gate is now?

Mr. Riel: Yes.

Commissioner Withers: OK. What's going to keep parents from queuing up on Red Road where, if you come through the school Red Road stops there is a landscape barrier then it continues, I don't know if it's called Red Road inside of Gables by the Sea...

Mr. Santero: It is, it's Red Road.

Commissioner Withers: OK. What's going to keep parents from queuing up there and just having their kids walk out of the front of the school, cross over that landscape barrier...

Mr. Santero: No, there's no way; there is an iron gate there, you can't do that.

Commissioner Withers: All the way to the Old Cutler...

Mr. Santero: Yes. All the way to the rear property of the house that faces Old Cutler Road; no there is no access there.

Commissioner Withers: So you can't get through that area there?

Mr. Santero: No. That was closed off when they did the Special Taxing District, that was all closed off, so you cannot access through there pedestrian or cars. Do you have any other questions?

Commissioner Cabrera: Thank you.

Mayor Slesnick: Thank you. Ray Feito, 12411 Bernal.

Mrs. Feito: He had to leave, I'm his wife.

Commissioner Cabrera: You can probably speak better than he.

Mayor Slesnick: Yes Marisa, come on Marisa. OK, Marisa Feito.

Mrs. Feito: I'm Marisa Feito, 12411 Bernal Street directly behind Gulliver, good morning. Thank you for allowing us to speak. I am going to be very brief. We are here in support of the agreement that the Association negotiated with the Gulliver schools, and I am here to ask you to please move forward with it; it took us a long time to reach that agreement. It was very contentious, we had people in the neighborhood that didn't want any expansion whatsoever, so I think it's an agreement that works very well for the neighbors, the Association and Gulliver schools. I mean, I do feel for the parents, I'm a mother, my child is at Gulliver, I understand the issues involved, but I think there is a true safety issue there, and you know, sometime someone said nothing has happened for the past 20 years; you know you don't have cancer for seventeen years and one day you have it; you don't have an accident for 40-50 years, and one day you have an accident. I go through there every single day and I know there is a safety situation; every time you have a child walking on the street where cars are going by without a sidewalk, how could that be safe? There is no way, it is an accident waiting to happen; I don't want to have it on my conscience and I hope we make the right decision. Thank you.

Mayor Slesnick: Thank you. Thank you very much. Claudia Azevedo, 5741 S.W. 132 Terrace.

Ms. Azevedo: Hi my name is Claudia Azevedo, I live in Pinecrest side of Gables by the Sea, I do have a kid that goes to Gulliver; I bought my house because of this facility and I actually don't drop off my kid, he walks; he's six years old but walks with the Nanny, and he comes home with

the Nanny. When it's raining I do drop him off, and I can assure you even when it's raining there are no more than 3-4 cars during this half-an-hour period of drop-off and pick-up, so I mean...

Mayor Slesnick: Well actually, we have a picture of about 8 cars here.

Ms. Azevedo: Well, I've never seen more than 3 cars, never. Maybe I go at a different time, but usually I drop-off at 8 a.m. when I need to and I see 3 cars, no more than that.

Mayor Slesnick: I'm sorry 7, I miscounted.

Ms. Azevedo: Whatever. So I'm for the closure of Campamento gate because I do understand it is burdensome, but if we could keep the pedestrian gate open it would be very helpful, even if we have to move it up west, instead of – moving it up west so it's not in front of any house. Thank you.

Mayor Slesnick: Thank you. Thank you very much. Billy, we are not seeing any lights up here. Kathleen Fernandez, 820 San Pedro, Oh, I'm sorry; she did not wish to speak. This is her comment: *"This issue of all gates closure has been debated repeated for certainly more than a year, negotiations were made, compromise and agreement. I strongly agree with the agreement as it stands. Notices were given to Gables by the Sea residents in advance of all meetings. Closure should be made permanent for sake of peace in our community. Quality of life is very important."* And finally, Ines Bleakly, 1440 Campamento Avenue. Ines? Ines?

Audience: She had to leave.

Mayor Slesnick: OK. OK. This is her comment: *"I live right across the street from Gulliver and I do not agree with keeping the gate open on Campamento. Trying to get out during drop-off time is impossible, parents block street dropping kids, use our driveways to turn around with no respect for our property."* And we also have other photographs which have been handed to the City Clerk and they are notated on the back. These are pictures of Campamento during cars stacking, during drop-off and pick-up time, we'll enter them into the record, and I'll pass them to the Commission. We are closing the public hearing and we will now go back to asking staff anything further to add? OK. Ms. Russo.

Ms. Russo: Mr. Mayor you wanted me to address, and I didn't quite hear, students being dropped off to cross Red Road or, I'm not quite sure I understood.

Mayor Slesnick: The comments were made about safety and about children crossing busy streets. I'm sitting here as a person who lives up here in North Gables, I certainly know the area, I've certainly gone there a number of times for many reasons, but I don't go there during drop-off and pick-up. My impression could be as I sit here to vote that we have children who are wondering aimlessly across Old Cutler Road or Red Road or whatever, then one person got up and talked

about three police officers being there with organized crossings. I'd like someone to explain to us what is it that we'll see if a child leave Gables by the Sea on bicycle or on foot to get to the school safely; is there a system?- are there officers?- is there a crosswalk?- what is there?

Ms. Russo: On Campamento it depends...

Mayor Slesnick: No, forget Campamento.

Ms. Russo: You are talking on Red Road; I'm going to ask our traffic consultant Mr. Tim Plummer who is...

Mayor Slesnick: Let me make it clear what I'm asking.

Ms. Russo: No, I understand.

Mayor Slesnick: If I am a child that leaves the community, how do I get to school?- and what's going to protect me to get to school?

Ms. Russo: And the reason I'm asking Mr. Plummer to address this, he has been involved with the school in terms of the drop-off and pick-up and is very familiar with Red Road/Old Cutler and can tell you where if anywhere a child could access via bicycle or pedestrian.

Mayor Slesnick: That's fine and I wasn't trying to make you responsible for the answer, and we know Mr. Plummer and...

Ms. Russo: I was just trying to understand whether you wanted to know how they were going to get through the back of Campamento or you were talking Red Road.

Mayor Slesnick: Mr. Plummer should we close Campamento there is a concern that has been expressed by Commissioner Cabrera particularly and some of the witnesses, the safety of children on bicycles or foot as they are now rerouted from the back gate to the front, before we vote I'd like to have someone tell us what is specifically the steps that are taken to protect, if any, if not we should know that too.

Mr. Plummer: This is how these children would access the school if the gate is closed. They would come out Lugo Avenue, pass the guard house, now there would be a police officer at the intersection of Old Cutler Road and Lugo Avenue, so there would be a police officer in place; they move down the sidewalk on Old Cutler. At the entrance of the pick-up/drop-off there would be another police officer that is there directing traffic that will also be able to control the situation to help those handful of kids that are coming in walking or bicycling on the campus, that's how it will work. So there will be two police officers that they will encounter as they approach Old Cutler Road.

Mayor Slesnick: And there is a sidewalk along there?

Mr. Plummer: Yes.

Commissioner Cabrera: Mr. Plummer, may I?

Mayor Slesnick: Sure.

Commissioner Cabrera: Mr. Plummer what's your take on the gate?- do you have one?

Mr. Plummer: You know, I was at almost all of the public meetings and public hearings and all the negotiations with the Homeowners Association, there is a problem out there with parents that are queuing up, you've seen the pictures; I've been out there many times, it's a nuisance for the neighborhood, I've seen the parents drop-off and then use driveways and back out; I've seen the service vehicles queuing up at the park, I mean it's an issue and it's a problem for the neighbors that I think the school recognizes and I recognize as a traffic engineer. Trying to solve that problem by allowing pedestrian and bicycles only has its positives; I do think that the enforcement issue in the long term would be very, very challenging unless you have a police officer out there that's going to watch and make sure people aren't dropping a block off or two blocks off and making their kids walk from there. So the enforcement side is going to be the challenge and people trying to beat the system will be the challenge, but I understand how that could be a good thing for the neighborhood as well. So I think you all have a very difficult decision on this one, what to do with the compromise there, but there is a system in place for again, that you will encounter two Police Officers on your way to school from Old Cutler Road to make it as safe as possible.

Commissioner Cabrera: Thanks.

Mayor Slesnick: Thank you very much.

Commissioner Withers: Laura? Laura?

Mayor Slesnick: Did you need to correct anything you said?

Mr. Plummer: Well the question they are asking is that just going to school, that's correct. Right now what's in the agreement is that there would be a police officer there in the morning, Old Cutler and Lugo Avenue.

Mayor Slesnick: And not in the afternoon?

Mr. Plummer: That's not contemplated in the agreement right now.

Mayor Slesnick: OK.

Commissioner Anderson: OK. That's something we could...

Commissioner Cabrera: Let's just...thanks, thanks. Just think about this for a minute, first of all they hate going, most kids that I know hate going to school, so you know they have to dredge to school; and when they get done with school the first thing they want to do is go home and they want to take off, and we are not going to have police presence then?- I mean, that's a real life safety issue.

Commissioner Anderson: What I would contemplate us having the afternoon – absolutely, yes.

Commissioner Cabrera: That one really – I appreciate the fact that was brought up.

Mayor Slesnick: By the way the pictures were from Mrs. Froelich, I believe.

Commissioner Withers: I'd like to ask Laura.

Mayor Slesnick: Sure.

Commissioner Withers: Laura you know we've heard the Homeowners Association and we've heard the neighbors, what is the schools?- I don't know if I heard it maybe I missed it, what is the school's position on this access gate?- what is the administration's opinion of this?

Ms. Russo: Pedestrian?- in other words for pedestrian access?- for vehicle access? The school had in place a program since 1995 or '96 in the Special Taxing District we implemented, that allowed for Gulliver parents who lived in Gables by the Sea to access via the back gate with a special tag and registration. With respect to the, if you are asking me with respect to making this pedestrian....

Commissioner Withers: I mean right now, this issue that's going back and forth. If Mr. Gratulius was sitting up here right now and had to vote on this, what is the school's position on whether there should be an open gate, whether its pedestrian, whether its service, what is the school's – I haven't heard the school chime in on their position.

Ms. Russo: Well the school took a position when it entered into the settlement agreement with the Homeowners Association. We were listening at the Planning and Zoning Board; we were listening to the public comment, and in fact if you read the transcripts from the Planning and Zoning Board there were times when we offered the solution of having Code Enforcement to monitor the dropping off of only the students whose parents had the tags in the car.

Commissioner Cabrera: What Code Enforcement?- the City's Code Enforcement?

Ms. Russo: Right – in other words we tried to offer different ways that there could be, the gate could be allowed to be used for both either the teachers it was allowed to be implemented. A little history – it used to be an actual drop off point, but after the Special Taxing District was created, it was closed off to just allow for teachers and administration and the parking lot was constructed at the time, and what became clear at the Planning and Zoning Board meeting is that the City did not want to have the position of being out there to implement and enforce a program and Gulliver was accused of not being able to properly enforce any program.

Commissioner Withers: Here's my feeling on this. I really don't think it's good for the City to put ourselves in an adversarial situation like that; I mean, there is really no reason why we should have to just upset people and ticket people, and make parents mad, and have them screech off, or have officers taking their time writing tickets for people that queue up when it says, "no stopping or standing", I think it's an incredible waste of our talent and our resources, and I don't think the City should be policing that. Saying that, is Gulliver willing to police it?- because I can tell you how I feel, because my office is in an industrial area where there has been a school allowed to in, it is absolutely horrendous for two hours during the day, and this is an industrial area, I mean, there are cars queued up all over the place. Saying that, I support one hundred percent a gate if students want to walk or ride to enter school, I don't think any of us have a problem with that. The issue is the cars that are queuing up that are causing the inconvenience. So it's all down to a policing issue. Is Gulliver willing to step up to the plate and put someone there at their expense to police the cars to keep them from queuing up to picking up and dropping off students. It's a yes or no question.

Ms. Russo: The answer is we are limited by the settlement agreement; Gulliver has already entered into a settlement agreement it said...

Commissioner Withers: Let's say we change the settlement agreement. Is Gulliver willing to put someone there to police this effort if they leave this gate open?

Ms. Russo: Let me just pose to you. As difficult as it would be for the City, if it's raining, then you say its pedestrian then students can't be dropped off if it's raining...

Commissioner Withers: That's right; they cannot be picked up or dropped off.

Ms. Russo: What would be – we don't allow your kid to come, I don't know you enforce...

Commissioner Anderson: I just don't see it being able to be enforced.

Commissioner Withers: It's not a gray issue; either no kids can be picked up by automobiles at that gate period. Here's how I'm going to vote, unless you are willing to say Gulliver will step up to the plate, and we will police it, and we will maintain it, and we will put someone there, to make sure that no cars pick kids up there; kids that are on bikes, rollerblades, skateboards, walk,

I don't care, to me that's what a pedestrian gate is for is to service the neighbor's kids from the neighborhood, but for people to circumvent to come through and pick-up and drop-off, because I did it, I mean, I picked my kids up for 22 years going in and out of school like this. You understand...?

City Attorney Hernandez: And Commissioner how we have dealt with in the past with the University of Miami when students were leasing off premises we would advise the Dean of complaints of the neighbors, and the Dean of Student Affairs would deal with those students, they would be dealt through the honor system, so there is a way that Gulliver can implement an administrative process with parents that are violating that. It's not undoable.

Mayor Slesnick: Wait a minute, wait a second; Gulliver is bound by an agreement...

Ms. Russo: The question now becomes whether or not the Homeowners Association that entered into the agreement would be willing to accept an amendment to the agreement?- and if not you are going to have people that oppose the entire Master Plan?

Commissioner Cabrera: Well that's extortion.

Mayor Slesnick: No, no, no, wait, wait, wait.

Commissioner Cabrera: So you just want us to rubber stamp this and why bother bring this before us?- we should have done this in an administrative...I should have called in my vote, what do people think?- that we are just up here to rubber stamp.

Mayor Slesnick: Mr. Gibbs, Mr. Gibbs.

Mr. Gibbs: I worked on that agreement with Laura and with Mr. Dickman; I want you all to understand one thing, there is a settlement agreement here between Gulliver and the Neighborhood Association, that's one thing; the other thing is you have a decision to make in essence totally and utterly separate from that, and your City Attorney will tell you that your City does not get involved in the settlement agreements, your City is not a party to any settlement agreement. So when we talk about changing settlement agreements, and Mr. Mayor you said it first, you said it earlier in this meeting, that's between the Neighborhood Association and Gulliver. The fact is that at the Planning Board, your Planning Board was very insistent that there be some agreement between the Neighborhood Association and Gulliver, and we entered into a settlement agreement at many respects at the prompting of your Planning and Zoning Board, their decision was based in part on the agreement that we made. The fact is it's a separate agreement, so when we made that agreement it was done specifically to find a solution to this, a solution that everybody could live with. When Gulliver made the agreement, the agreement was to close Campamento and whether you all vote to open it or leave it open, we are still bound by that agreement. If you all vote today, and say pedestrian only or it stays open, yes that's fine, but

we have a separate agreement that says we're not going to open it, that roadway may be there, that opening may be there, but Gulliver is going to keep it closed, that gate will always be closed, and that's the problem, and we did that because your Planning Board said, we want an agreement, we want you all to come to an agreement, and that's the basis of it; and Commissioner Withers I hope that answers your question.

Commissioner Withers: Well, I mean, we are voting on a site plan...

Mr. Gibbs: Exactly.

Commissioner Withers:...and a site plan has an opening or not an opening, OK...

Mr. Gibbs: That's correct.

Commissioner Withers:...and I'm telling you my feeling on the site plan is, I don't have a problem with an opening, if it's truly a pedestrian gate; if it's going to be used as a back area for parents to pick their kids up because they don't want to queue out front, I'm against that.

Mayor Slesnick: And I don't think you can change that.

Commissioner Withers: And if you're saying I can't change it by saying Gulliver will not – Gulliver will police it and they will make sure that parents don't queue up there.

Mr. Gibbs: But Commissioner Withers we can't do that. Under the agreement....

Commissioner Withers: I understand what you are saying.

Mr. Gibbs:...we can't do that, unless the Association says they'll go in and change the agreement, which I don't think is going to happen, we've heard from the Association.

City Attorney Hernandez: OK. Well this City Commission can defer this matter and direct the parties to engage in further discussions and advise them of what is the intention of this Commission. So your hands are not tied, by no means is the Commission's hands tied.

Commissioner Withers: In all fairness, I'm not upset about it, I'm not deterred from it, but it's a little aggravating that a Homeowners Association can try to paint us – listen from the very beginning when we did St. Phillips, when we did, you know, I really thought...

Commissioner Cabrera: St. Thomas.

Commissioner Withers: I mean St. Thomas, I'm sorry, St. Thomas...

Mayor Slesnick: Here's the choice, here's the choice Chip, let's paint the choice; we are not painted in, but here's the choice, if we want to abrogate...

Commissioner Withers: If we want to what?

Mayor Slesnick: If we want abrogate or deny the...

Commissioner Withers: Deny I understand, abrogate is too big for me. (Laughter)

Mayor Slesnick:...the agreement between the school and the Homeowners Association the only fair thing for everyone is, and this is where your choice is, is to go back to square one and then the homeowners and the community will fight with Gulliver over the entire plan, and then we will be back here to determine the natatorium and the gymnasium and all those pieces, because that's what this is. At the encouragement of the Planning and Zoning Board the community came to an agreement to facilitate the expansion plans of Gulliver and they asked for certain concessions, this is one of them, if we say we are not accepting that concession I think the only fair thing is to go back, send it all the way back, have them come back here, and then what we'll do is we'll be sitting here with twice as many people arguing over each aspect of the Master Plan. That's what I believe is our choice.

Commissioner Anderson: I'd like to throw in a few observations myself. I had the opportunity of driving with Mr. Santero about four years ago you took me around the neighborhood, and this has been a big problem, this whole issue of queuing and the relationship between the school has been tenuous, I think is probably the first time that we've reached a point where there is some hope for Gulliver to accomplish something and then the neighbors to have some relief. I'll be satisfied if we could add a police officer at the end of the day and just leave the plan as it is. I think our Planning Board viewed it very carefully, I think they studied it; they made the neighbors go back and look at it. I'm in favor of the plan as it is, I think it has been studied, I think it has been reviewed; I think it's been too mulled over, and for the majority of the people it is probably the best decision. I do absolutely understand being a parent myself, and Matthew you did a very beautiful job, I just want you to know that; that's great that you do that, keep coming back, alright. My whole purpose behind this little informal chat is to say that I support the plan as it is. I think it speaks volumes of actually having a neighborhood and an entity that is applying for something to be actually in accord over something that they've had a problem with for so many years. I don't think we can enforce a pedestrian opening, I don't think, you know, no matter what there are always people that are going to circumvent the system for whatever reason, nothing malicious, just people are human nature. So spoken my piece. Thank you.

Mayor Slesnick: You know it's also, it seems to me that for once we've had an agreement on a major plan between a community as a whole and an entity seeking plans and expansions, and while I have very much respect for the people who testified here about the open gate and their children, the fact is that to disrupt a community agreement with the thing for the 17 families who by the way, at some point will graduate and move on, is to me would be destructive.

Commissioner Cabrera: May I...?

Mayor Slesnick: Sure.

Commissioner Cabrera: I'd like to have Mr. Riel come back for a minute, Mr. Riel sorry about that. Mr. Riel quick question, we got this handout just I guess now almost an hour ago with all these objections to this gate, that's the majority; I highlighted most of the sentences that had to do with the gate and I don't think I found one objection that didn't have the gate, the 5 foot gate in there. How many of those did the Planning Board see when they deliberated on this matter?

Mr. Riel: All those items that you have there were after the packet was distributed, so from Friday on they did not see that.

Commissioner Cabrera: So I think this is important that I bring this up, because while I realize that the Planning Board has worked very hard, while I realize your department has worked diligently in this process, let's face it folks, this became an issue last Friday, at least it became my first e-mail of Friday with regards to this matter. So we all became aware of this gate issue 4 or 5 days ago at best. I don't think the Planning Board really even contemplated this matter because it was not even before them, I think it was lost in the issue with the gymnasium and the issue with all of the other aspects of this agreement. This is a last minute problematic obstacle and it's based on those folks whether its 17 people today or 25 a year from now or 10 five years from now, it's a quality of life issue; and so if we're handcuffed into agreeing to this agreement that was made whether it was at the recommendation of our Planning Board or not, I'm not going to support it. So somebody look for three votes here, maybe they are already here, maybe there are three votes and everybody is good, and everybody moves along in life, but if its 2-2 we've got a problem. So I won't be the deciding vote, I've already told you how I'm going to vote on this matter.

Mayor Slesnick: Thank you. OK. Ms. Anderson.

Commissioner Cabrera: So there you go; the Planning Board didn't look at this.

Mayor Slesnick: Well that is true, the Planning Board did not look at that because the objectors waited until this weekend to object, now wait a minute Ralph...

Commissioner Cabrera: But that's how life in Coral Gables is, I'm still getting e-mails about leaf blowers (laughter) I swear to you. I'll enter them into the public record, and how long ago did that take place?

Mayor Slesnick: Well I have something to warm your heart.

Commissioner Cabrera: I tried to find a leaf blower costume for Halloween, but couldn't find one...

Mayor Slesnick: There was an entire essay, and as you know when I tell you the magazine you know the kind of high flown literary essays, there was an essay about leaf blower regulation in the New Yorker magazine which I'll be circulating for you...

Commissioner Cabrera: There you go.

Mayor Slesnick: It did not involve Coral Gables either; it involves all these other cities.

Commissioner Cabrera: But my point is, this is the way it works around here, everybody here, and I don't say this in a critical or condescending way, you folks are busy with your families and your businesses and the other things that get in the way of life, and for you to sit here and watch a Commission meeting or for you to go to a Planning Board meeting or a community meeting, it's a very difficult task, I understand that, I really do, I don't mean to be flippant about this, but it's obvious to all that are sitting here and those who may be watching via computer or on television that this is a hot button. We all got these e-mails, we've all read them, I believe we've all read them, and as I said before, I'm sorry for repeating myself, I get criticized for doing that all the time, but each and every one of these objectors had the gate as the number one issue at hand, and that's why I was trying to bring it to a head early on, not to be take sides because I didn't have a side on this matter, but I now see what the issue here is, and let's see how the vote goes down. If I were a betting man I'd say it was going to go 3-1.

Mr. Gibbs: Mr. Mayor?

Mayor Slesnick: Yes.

Mr. Gibbs: Can I add one issue and have Mr. Plummer speak less than a minute on that issue?- and that's regarding the safety of these children. If you do have a pedestrian only access off Campamento and we have the interior roadway that we are creating for emergency vehicles, for trucks and for the school teachers, that creates a problem with safety for those kids going in there having to cross that other roadway, if you want to call it, the access way into that parking area into the garbage area, into all that; and I'd like Mr. Plummer to speak to it because I think that...

Commissioner Withers: So what you're saying the school is against the pedestrian opening.

Mr. Gibbs: I'm saying that the school is determining that it's a safety issue.

Commissioner Withers: That's what I want to hear, the school...

Mr. Gibbs: Yes.

Commissioner Withers:...the school...OK.

Commissioner Cabrera: And when did that come up?- when did you decide it was a safety issue?

Mr. Gibbs: Well because the issue came up today as you said with these 17, with these notices, and I asked Mr. Plummer I said, is this a safety issue because that's an issue that's being discussed by this Board?- I'm not an expert and I said, gee when you are leaving only a pedestrian access...

Mayor Slesnick: Mr. Plummer.

Commissioner Cabrera: But I want to stay with Mr. Gibbs because Mr. Gibbs, I'm really curious.

Mr. Gibbs: Here's what happened. When we said we would close Campamento, we had to put an interior roadway in for the trucks, for the teachers, and for the staff's access, correct?- that's part of our proposal that's been out there, you all had it. Mr. Riel looked at that; with that extra roadway. Now if we close off Campamento, that's perfectly fine there is no access for pedestrians from Campamento in, there is no access for traffic; but once you allow the secondary roadway that's going in that we are proposing for the trucks and for the teachers, and then you allow pedestrian access and bike access, you are now creating a conflict, because people are going to go off and get off at Campamento, go into the property, but they now have to cross a roadway, an interior roadway, and I asked Mr. Plummer is that a safety issue and he said, I'll let him speak.

Commissioner Cabrera: And I'll let him speak as well, but I agree with you and I don't have the expertise he has, but what about moving the gate?- one of the speakers today made a very intelligent recommendation and she said, move it westward, move it away from the residential area.

Mr. Gibbs: Either way you are going to go into – the access is still going to go into that parking lot; the parking lot...

Commissioner Cabrera: So you are telling me that the interior roadway would in fact go all the way up to the west of the perimeter of the property, thereby creating a life-safety issue.

Mr. Gibbs: Yes, for pedestrians who are walking across that way. Mr. Plummer can speak to it better than I.

Mr. Plummer: And I'll be brief. With the closing of the gate at Campamento and the creation of the new access road, that comes from Red Road all the way into this existing parking lot on the south part of the property. So in essence a new intersection is being created at the gate for Campamento where the new service drive is coming in. So there will be issues as kids are on

their bikes or walking, crossing that new intersection there are going to be teachers and so forth that are coming in at the same time that these students are coming in, and moving it further west if you will, they still have to cross that service road.

Commissioner Cabrera: Thank you.

Mayor Slesnick: Can I have a motion on E-6?

Commissioner Anderson: I'll move that and I would like to, I don't know if this is possible or not, I'd like to make sure there is a police officer...

Mayor Slesnick: Amend the motion.

Commissioner Anderson: Yes, I'd like that to include a police officer at the end.

Mayor Slesnick: Ms. Anderson moves E-6 with an amendment that requires a police officer at the close of the school day.

Commissioner Cabrera: An officer which would be, let's be more specific.

Mayor Slesnick: At Lugo.

Commissioner Cabrera: I'm not going to vote in favor of it, but I see what she is trying to do and I want to support that. So you want to put it at Old Cutler and Lugo.

Commissioner Anderson: That's correct, that's where the officer is in the morning, is that correct?- I'd like to have that.

Mayor Slesnick: Yes.

Commissioner Cabrera: There is already an officer further up at the main entrance of the campus, so this would just be the addition. Will that create this thing to go back to square one?

Commissioner Anderson: Would that be a problem?

Commissioner Cabrera: Just the gate, just the gate, not the cop, that's OK, alright.

Commissioner Withers: I'll second.

Commissioner Cabrera: Can I get an official response?

Mayor Slesnick: Let me ask you this, we do this every now and then, when we add something we'll ask so there is no legal issue, does the school accept the police officer addition at the close of the school day at Lugo?

Commissioner Cabrera: I want to know and I think Ms. Anderson...It's "their way or the highway" on this one, is that what it's coming down to?

Mayor Slesnick: No, if they don't accept it, we still can vote on it, it's not that, it's just that if we get on the record...

Commissioner Cabrera: Well, it's been like that all morning.

Ms. Russo: The school doesn't object per say, the problem with the afternoon unlike the morning where school starts at a finite time, is in the afternoon there are activities that range from 3 until 7 p.m., so there are kids that could be...

Commissioner Anderson: We could narrow it to the main school time.

Commissioner Withers: Thirty minutes after school releases or something.

Commissioner Anderson: We could put it at a target time where the majority...

Mayor Slesnick: Wait, wait, wait, stop, stop. You know, off duty police officers have a minimum of 4 hours anyways, if you are going to hire an officer you are going to hire him for 4 hours, isn't that what we have...?

Commissioner Cabrera: 3 to 7.

Mayor Slesnick: I mean you can use him for different things; he doesn't have to stay there. Listen, Mrs. Anderson, excuse me, Mrs. Anderson has expressed a desire to make sure that we have an officer there during the times that people are being released from school, not there for every special event or every special activity. We don't care where you hire your police officer, we'd like you to hire him from the City of Coral Gables, I think you do now, if you have a working arrangement with the City don't need to have him for 4 hours that's fine, is the school willing to...?

Commissioner Cabrera: This is not that difficult folks.

Commissioner Anderson: We have safety in the morning; I'd like to have safety in the afternoon.

Mayor Slesnick: Well we are still going to vote either way.

Commissioner Cabrera: No, well I think it shows you that it's "their way or the highway."

Mayor Slesnick: Note that the school has not agreed to the condition, but it's still part of the motion, the motion is to approve E-6 with the addition of an officer...

Commissioner Anderson: Can it be enforced?

Commissioner Cabrera: Mrs. Anderson may I ask you since you are the maker of the motion, are you going to define the time period?

Commissioner Anderson: I think where the majority of kids are impacted. What times do you have in the morning?- just a similar kind of thing just to protect the children coming out of school kind of like what they are going in, I don't know what the timeframe is.

Commissioner Withers: What time are they discharged?- what time does the bell ring and kids run out?- 2:30?

Ms. Russo: 2:30 and 3:30 p.m.

Commissioner Anderson: Yes, there you go – simple. OK.

Mayor Slesnick: 2:30 to 3:30.

Commissioner Withers: 2:30 for one hour? I don't know.

Commissioner Anderson: Whatever is in the morning can be placed at night. I'm not trying to be difficult, I'm just trying to provide...I'm trying to support the thing, but I want to provide some safety vehicle, I don't think that's, that hard to ask.

Commissioner Cabrera: I don't think it's difficult at all.

Ms. Russo: A half hour in the morning from 7:30 to 8:00.

Commissioner Cabrera: So they get away with that for a half hour.

Mayor Slesnick: No, I don't know, they can't, they have to pay for whatever it is.

Commissioner Anderson: 2:00 to 4:00 p.m., how about that?

Mayor Slesnick: 2:00 to 4:00 p.m.

City Attorney Hernandez: Alright – Ms. Russo did you hear the Commission has indicated from 2:00 to 4:00 p.m.?

Mayor Slesnick: Ms. Russo does your client understand that this Commission is struggling here and that there is a danger of not getting this approved and that the Commissioner has asked...

Commissioner Anderson: I'm happy to withdraw the motion, if need be.

Mayor Slesnick: I'm a little confused here myself. Would you like some time?

Ms. Russo: Yes, could you give us a break?

Commissioner Cabrera: Five minute break, five minutes.

Commissioner Anderson: Five minutes.

Mayor Slesnick: We are going to take a five minute recess break.

[Note: The Commission took a break for the applicant to deliberate]

Mayor Slesnick: OK, we are back. Ms. Russo.

Ms. Russo: My clients agree to a police officer in the afternoon from 2:30 p.m. to 3:30 p.m.

Commissioner Anderson: Perfect.

Mayor Slesnick: OK. Ms. Anderson has moved Item E-6 for approval with the addition of a police officer stationed at Lugo, is that the way to describe it?- from 2:30 p.m. to 3:30 p.m. in the afternoon; Mr. Withers is that...

Commissioner Withers: Yes.

Mayor Slesnick: Mr. Withers seconded it and I would just ask that the school do all within their power to use as much of their resources as possible to protect the students as they depart the school during that time and other times. It's my understanding from the City Attorney that this will come back for Second Reading; this is a two-reading process for this resolution.

City Attorney Hernandez: Yes.

Mayor Slesnick: It's an ordinance, it's an ordinance. OK – very good. On First Reading, Mr. Clerk would you call the roll please?

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: No

Mayor Slesnick: Yes

(Vote: 3-1)

Vice Mayor Kerdyk: Recused himself – conflict of interest

Mayor Slesnick: Thank you all.

[End: 12:20:36 p.m.]