

City of Coral Gables City Commission Meeting
Agenda Item E-1
October 13, 2009
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
City Clerk Staff, Yolande Davis

Public Speaker(s)

Nick DiDonato, President, Coral Grand LLC
George Volsky, Coral Gables Resident
Rip Holmes, Coral Gables Resident
Joshua Siegmeister, Coral Gables Resident
Vincent Damian, Coral Gables Resident

E-1 [Start: 9:49:49 a.m.]

Ordinance amending the previous condition of approval (Ordinance No. 3587) and changes to the previously approved site plan for the Country Club of Coral Gables to include outdoor dining on south side of property facing North Greenway Drive, enclosed/open air outdoor area on west side of property and improvements to existing porte-cochere on the rear of the property, legally described as Lots 1-9 and 37-39, Block 32, Section “B” (997 North Greenway Drive), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and a severability clause; and providing for an effective date. (Passed on First Reading September 22, 2009).

Mayor Slesnick: We are going to go now to E-1. This is a second Ms. City Attorney.

City Attorney Hernandez: Ordinance amending the previous condition of approval (Ordinance No. 3587) and changes to the previously approved site plan for the Country Club of Coral Gables to include outdoor dining on south side of property facing North Greenway Drive, enclosed/open air outdoor area on west side of property and improvements to existing porte-cochere on the rear of the property, legally described as Lots 1-9 and 37-39, Block 32, Section “B” (997 North

Greenway Drive), Coral Gables, Florida, and including required conditions; providing for a repealer provision, a savings clause, and a severability clause; and a severability clause; and providing for an effective date. (Passed on First Reading September 22, 2009 as amended).

Assistant City Manager Jimenez: Good morning Mr. Mayor, Commissioners, this proposed ordinance before you today on second reading...

Commissioner Cabrera: Excuse me ma'am, excuse me ma'am, sorry to interrupt you, I have to make a statement. Members of the City Commission at this time I wish to announce on the record that pursuant to the provisions of Florida Statute Chapter 286.012, I am of the position that I have a possible conflict of interest in voting on the instant matter and therefore I will be abstaining from voting on this issue and shall file the necessary disclosure forms with the City Attorney's office.

Mayor Slesnick: Thank you Mr. Cabrera. Ms. Jimenez....

Assistant City Manager Jimenez: This proposal before you...

Commissioner Withers: I don't understand. What was...?

Commissioner Anderson: Conflict of interest.

City Attorney Hernandez: One of your colleagues has indicated that he has a possible conflict and is abstaining from the vote.

Commissioner Withers: On this issue or...?

City Attorney Hernandez: On this matter.

Commissioner Withers: We've had this item before us before though, haven't we?

City Attorney Hernandez: That is correct.

Commissioner Withers: So what does that do to previous votes and previous discussions?

City Attorney Hernandez: It doesn't do anything to previous votes or previous discussions.

Mayor Slesnick: Do we have the right to know what the conflict is?

City Attorney Hernandez: You would have to ask the Commissioner, I prepared the statement for him at his request.

Commissioner Withers: Listen, I'm not whatever the Commissioner has, it just seems irregular that if we've discussed and voted on an issue and then the same issue comes up again that now there is now a perceived conflict; is that not irregular?

City Attorney Hernandez: No, I don't believe that's irregular. Again, the Commissioner has followed the provision of Chapter 286, Commissioner Withers, and he will prepare the appropriate memorandum and file it with the City Clerk.

Commissioner Withers: Well in light of comments that were made in the press, I read the newspaper everybody else read, and I'm assuming you read the same comments; you commented on the article.

City Attorney Hernandez: I read the article; I commented and was quoted in the papers.

Commissioner Withers: OK.

Mayor Slesnick: Ms. Jimenez.

Assistant City Manager Jimenez: This proposed ordinance before you today on second reading pertains to the site plan amendments requested by the applicant, Coral Grand LLC, who has a lease agreement with the City for the obligations and management of the Coral Gables Country Club. On September 15, 2009, the Historic Preservation Board approved the issuance of a certificate of appropriateness for the improvements of the facility. On September 16th, the Planning and Zoning Board approved the proposed site amendment as presented by the applicant. City staff also supports the application as presented and approved by both Boards, which includes the outdoor dining concept. As required two hundred and forty-nine (249) property owners located within a 1,000 foot radius from the facility were notified of the public hearings held for both of the Historic Preservation Board and the Planning and Zoning Board. The notices were sent four times to these same residents. On September 22, 2009, this Commission approved the site plan amendments on first reading excluding the outdoor dining. Mr. Nick DiDonato, President of Coral Grand LLC has requested an opportunity to speak before this Commission today and present an amendment to the proposed site plan improvements for your reconsideration of the outdoor dining.

Mayor Slesnick: Well, before Mr. DiDonato speaks, I'd like to publicly say that we are challenged in this Commission on a number of occasions, and normally we contain ourselves and our personal feelings are hidden, I just want to apologize publicly Mr. DiDonato, if I made it appear that I had any personal or animosity or issue with him, or his company. That is not the case; there has been no bigger cheerleader than myself opening this club, and getting it moving, and getting it going, and returning to the citizens a return; we may disagree on an issue within this application, but that has no bearing on how I feel about Mr. DiDonato or his company, or about my good wishes for their success and operating the Country Club. I just want to get that on the records. Mr. DiDonato, the mike is yours.

Mr. DiDonato: For the record it's Nick DiDonato, President of Coral Gables LLC or Coral Grand LLC. Thank you for giving me the opportunity to come stand before you once again and address our proposal, and Mr. Mayor I'd like to say the same, my apologies if there has been any misinterpretation of my comments last time with respect to the local neighborhood or the greater good, it was merely meant as a comment in respect to the whole of Coral Gables and not a personal one. So my apologies if anything was misinterpreted.

Mayor Slesnick: Well thank you, but no apologies needed.

Mr. DiDonato: I'd also like to make a couple of statements with respect to some of the press that I'd been reading while away, and those threats with respect to being threatening in terms of pulling out of a project here in Coral Gables, one that's near and dear to my heart, because I've been working on it for years, for over a year at this point; but it was not a threat to pull out of a project because we didn't get our way and we are moving on because we want it our way or no way, it was more reflecting of our sincere concern that without some of the patio areas in this facility that we are requiring the feasibility of these facilities is doomed and will not work based on my professional experience over the 25 years I've been doing this. So, as I said they are not just threats, but something expressing my real concern with respect to these properties. Having reviewed your concerns, we stand here before you and try to mitigate any issues that you've expressed, and in doing so we've requested a reduction in the seating in that area, number one; and also an increase in landscaping in the area to reduce the disturbance to any of our neighbors. Again, I reiterate that we believe that the area that we are hoping to have the patio is really a way from any direct impact on any neighbor based on a building on one side and lots of foliage on the other, and we believe that the minimal number of seats that we are asking at this point is going to really reduce any impact on the neighborhood, and I believe that this will be a positive thing for the neighborhood. We've also looked at the area of the space and we've reduced that to push it back from the street an additional four feet. So from our original proposal, we've moved our pavers back further toward the building; so again, from a site line perspective from the street there is less opportunity to see these people. So in a summary what we are requesting today is that to allow us to have a café area with a reduced number of seats to thirty-two (32), which is a twenty percent (20%) reduction from where we started last time; allow us to have some outdoor seating for the restaurant, which is twenty seats less, at forty-eight (48) seat capacity; we will reduce the patio space by 165 square feet approximately, allowing us to push back that whole patio by another four feet so its not visible from the street. We sincerely believe that without these areas, our patio and our restaurant will not be successful. So having said that, I also request that should you not allow us to have the patio for the café and the patio for the restaurant, I would recommend that we amend our lease not allowing us to have a restaurant and a café and we will run a private function space only. The direction of this restaurant, the direction of the patio café was to engage local community and provide a service from this building to the local community. If this Commission feels that that service is not appropriate and is not required, then we will run a banquet hall for private functions only and move forward with that.

Mayor Slesnick: Thank you, thank you very much.

Vice Mayor Kerdyk: Can I ask him a question please?- I'm struggling with this issue and one of the things we talked about at the last meeting was that, I think there was, I don't know if we talked about it, I think there was some discussion relative to you reaching out to the neighborhood a little bit more, and I understand that this has been noticed on numerous occasions, but I just wanted to know if you had that extra meeting or get-together or discussion with any of the neighbors immediately surrounding the facility, well not immediately surrounding, within the couple block area of that...

Mr. DiDonato: We've had individual meetings with neighbors that are adjacent, which we thought would be most impacted, we also sent out as required a letter to the City, and we had several open discussions here, and we didn't have the objections, that is one of the reasons we don't have a multiple number of people who are objecting; we find that the general consensus is it's a positive thing for the neighborhood. So obviously, if we have a couple of people objecting because they don't want it, its going to be very difficult to change that, and you know, whatever we may do in this case here, we're saying that we are reducing the seating and hopefully that would be sufficient, but I believe that its going to be hard to change somebody who definitely does not want that. So we don't have an overwhelming number of people here objecting to this process, and for the few that have we have looked at this and the consideration is we will reduce the space both in the café the restaurant, and I'm also leaving some options to the Commission here to...my position is if you don't give us the tools to make this successful, then we cannot make this successful, and for us to go ahead and open a café and not have a patio, and open a restaurant and not have a patio, we are doomed for failure. We as an organization do not want to move forward with things that are going to be a failure, and we cannot execute these two components of this project without the appropriate tools, particularly here in Miami where it is an outdoor area space; and I was on Lincoln yesterday with my family, and it was Canadian Thanksgiving, and I brought my family because I had to be here today, and when we decided where we were going to eat last night, it was based on well, where we could sit outside and have a quick pizza, and we went to Lincoln; I would not consider going to the Coral Gables Country Club to have dinner as a family if they didn't have an outdoor area; and so that's why I'm saying it is critical and just in terms of how my thought process with my family, I think that applies to most people around, when there is good weather, its comfortable, people would like to sit outside. If we don't have the ability to provide that we are not going to be successful.

Vice Mayor Kerdyk: I didn't realize it was a quid proquo though, for you having to get this outdoor seating was the ultimate rationale for you running a restaurant. I've never heard that, that was in any discussions that I had with anybody regarding...I did know that there was an outdoor component that was being considered, but I never knew there was a quid quopro that was proffered...

Mr. DiDonato: To be very honest from the very onset with Cathy Swanson, our position was we need this outdoor area, and without the outdoor area we weren't interested in the project; and we were not assured, but we were told that the City does want this project to move forward, the City does want these public areas available as opposed to just a private function space, and that's why I'm standing here before you coming up with whatever compromise I can to allow this project to move forward; and if you don't want a public area space here, then allow us the opportunity not to provide it and we will move forward and create a private function space where the community doesn't get to use it other than the people who are booking the space.

Vice Mayor Kerdyk: Well that and your facility near the pool area and that's a whole other dynamic that is being incorporated into your overall plan, the pool are and the weight room. So there would be two components; there would be that and then there would be the country club facility, is what you are saying?

Mr. DiDonato: Yes.

Mayor Slesnick: Thank you. We'll get back if there are more questions. We have two speakers who have signed up. Mr. George Volsky.

Mr. Volsky: Good morning, my name is George Volsky, I live at 1008 Alhambra Circle, and I come here representing not only myself, but also two neighbors of mine who live on the block of Granada, which is adjacent to Coral Gables Country Club. First I would like to commend the Mayor for his statement; I think as you know I have had problems with the Mayor on occasion, but I think he has made by his statement, he took away the personal issue of this, and I think we can move this issue into what is good for Coral Gables, not only now, but for a long time after we are gone, you're gone and, I'm gone, certainly possibly before you are gone. In any event, not dwelling on the history of the club, which even though it hasn't entered, we have to move forward; and as you know very well the entity which Mr. DiDonato represents was the only one that proposed to manage the club. Actually we ought to forget the name club, because club doesn't exist, it is going to be an entirely different entity. Clubs today....we only have one here, Riviera, we cannot have a City of 45,000 and not have another club. So it's going to be entertainment area, and whom do we have? We have a gentleman that came from Toronto and in perspective, Toronto is a City currently with 2.5 million, largest City in Canada, one of the largest in the western hemisphere, Greater Toronto is 8 million people, I think 25% or 30% percent of Canada, and what he's done is amazing. I've watched his pictures, I've inquired with the Canadian Government about what he's done and the reports that I've received from official representatives of Canada in this area tell me that he is regarded very highly, and actually, you know that Canada is economically better than we are in the United States; and here we have a gentleman that comes dedicates his time and his money, this is a gamble for him yet he wants to do something for Coral Gables; why?- because his son is basically a student at the University of Miami, and he fell in love with Coral Gables where the university is located. So what is the solution? He has a vision. As you know, over the years this body, which you represent has been talking about vision; vision for the City, I think that's a vision; he has a vision that this is something to be done. Now, there have been some complaints about possible noise; I recall that the Mayor said at the latest meeting that he has practically been educated or lived in the Gables over the years; I think I've lived longer there, forty-one years next to it; and I can tell you even today, today might not be – recently, there is no noise from the swimming pool; the noise from a few people who will be drinking, or drinking coffee in that small place, which incidentally is not very nice. Mayor you pass by there everyday, I think it's awful, I think it spoils the vision of, I mean the view of the building and I'm sure that Mr. DiDonato will improve it. So we have already spent in recent months possibly close to a million dollars in the parking lot and different changes. So what is the solution? If we don't approve that – reduce vision of Mr. DiDonato, he might walk away and then we'll be left without anything. So I believe this is a very small concession on your part, and on the part of some people who object. I living there don't object. I want to have it, as I wanted to have the other entity, even though I had some doubts about the viability, and those doubts turned to be true. So I believe that we ought to look at this holistically, and I believe that actually the quality of life of the neighborhood will be improved by what Mr. DiDonato tries to do. So essentially, we have, we're thinking about the impact of 20-30 people sitting outside and drinking coffee; and I remember Mayor, that over the years there have been some very boisterous parties in the club which I had to hear not mentioning the smell of kitchen which I have felt many, many times when the equipment to assuage the smell in the kitchen was not working. I believe that in Mr. DiDonato we have a professional who has

done something, done well in one of the biggest countries in the western hemisphere, and he wants to do something good, and he will do it because this is a challenge, and for him it's a challenge, not economic, it's a personal challenge, and I think we ought to consider this and I ask two of you who voted against it to consider this and change your mind because I believe that his vision will be ours, and will accrue to the benefit of everybody. Thank you.

Mayor Slesnick: Thank you. Mr. Rip Holmes.

Mr. Holmes: Good morning Mayor Slesnick, City Manager, Commissioners, I wasn't anticipating speaking today, but I'm moved because I grew up two blocks from the Coral Gables Country Club, and I like the idea of what you all are doing, trying to open it up to the taxpayers. When I grew up, even though I was two blocks from the Country Club, I felt it was a private club and it was only for the "in" people, and we weren't among those. So I don't want you to leave us, we need you and we need a restaurant, so hang in there, please, I'm begging you. On the other hand the Mayor and I have communicated as I've communicated from my end with the applicant, and as a landlord myself in private business, I know that there are tenants that I get who have grand plans to change my property, and from my point of view they would destroy my property, although I know on their end of it they see it as a survival necessity, and what I submit to you is that if there is any way to extend the period of getting to know each other and the situation, with all of the time that you have devoted in this, and with our great need for a good company there, that you try to extend the get-acquainted period; I think Commissioner Kerdyk said it well, he wasn't aware there was a quid quo-pro, we need, and this is just my opinion, just my opinion, that we need a good restaurant there, but you don't realize...you grew up in Toronto, one of my best friends is in Toronto, there are things about Coral Gables that you don't know; there may be ways to accomplish this end other than what you anticipate. So it would seem as though there is an impasse here, and what I propose to you and then I'll sit down, is that you extend the time to get to know each other, for you to get to know the community because I'd like this match to work and let's see if we can slowly work through this impasse.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you Rip. Joshua Siegmeister.

Mr. Siegmeister: Good morning Mayor, Commissioners, thanks for hearing me. I'm going to speak to you because I feel it's important that the club be successful. I've grown up in Coral Gables; I've lived here my whole life basically except for two years. I've been in and out of the Coral Gables Country Club pretty much since I have family members who are members and so on and so forth. I'd like to see something when I drive around Granada and I walk; I walk by and see the club, and like OK, what's going on now?- and I've never seen it thrive in a way I think it could, and when you have someone who comes to you and says, I believe this could work and this will work, and he is a businessman, obviously if the outdoor seating fails in a year from now, he is not going to keep it, its extra employees, its everything else. Also I see constantly around the area you see people running on the golf course, you see people going to Burger Bob's for years; there is obviously a need for the area, you know people want to come, have a drink there, so on and so forth, because I have lots of family members who are members of the club on and off throughout its history going back forty years. I would like to see though that both the City

benefits and the operator benefits, but if you are asking a businessman to go do his business and say no, you can't do that, that's pretty difficult especially in this economic climate, its not the easiest times, people are struggling. I would hope that the City can say...you know at Riviera there is outdoor seating at the backside of their golf course; if you go to Riviera its underneath their porte-cochere, its there; there's seating on their pool deck; they go back and forth across the street and right next door there are houses. So when you are looking at this layout there is no one who is actually on...you know, its not in the same area, there are streets a part and stuff like that. Now it's the choice of those people because Riviera has been there for years to move into the community and they bought on the golf course and they are dealing with it, but I'm a tennis coach, that's my profession; I coach a lot of kids who live in the area, they would like to be able to just go in and get a quick something or other, to get a drink, a coke, something...when I saw them, I said, hey, this is what's possible going to happen here, all of them are happy. I've talked to all the residents in the area, all of them are quite happy with the idea, that hey, there is something nice and quick that I can do, and its not a Wendy's versus having to drive to Miracle Mile, pay parking go in there, do that, you know the residents should have something, some say in it too. If there was no objection by the residents then...and other Boards from what I've read and everything else, I don't understand why the Commission would have to bar it, or at least give it a temporary chance to make it. As I said, I believe a businessman, if it fails is not going to continue to do it.

Mayor Slesnick: Where do you coach tennis?

Mr. Siegmeister: I coached at the Biltmore for four and-a-half years, and I presently coach around the area.

Mayor Slesnick: Coach over at the Tennis Club, at the Country Club?

Mr. Siegmeister: Right now I do, yes.

Mayor Slesnick: So this is going to be your future employer?

Mr. Siegmeister: Possibly, possibly – but I said, I've been a Gables resident for thirty years.

Mayor Slesnick: I realize that Joshua, I know you; you live down the south side.

Mr. Siegmeister: I live off Ponce/Davis area by Cocoplum.

Mayor Slesnick: Well thank you; you've raised some good points. Thank you.

Mr. Siegmeister: Thank you.

Mayor Slesnick: Your clients don't go to Burger Bob's?

Mr. Siegmeister: I'm sorry?

Mayor Slesnick: Your clients don't go to Burger Bob's for a coke?

Mr. Siegmeister: They do sometimes, but they should be able to have choice, I think that's the best thing, its not whether its this City or any other city, you should chose wherever you want to go, that's basically what I would say; if it were to fail, I think you would agree the outdoor seating wouldn't continue; but Miracle Mile when you are talking about proximity, yes its downtown Coral Gables, I've eaten outdoor seating in Miracle Mile for a long time, I can't tell you when it started, I'm sure you would have a date when you approved it, but its not something new, its not like restaurants are popping up and saying, OK, I want outdoor seating; I love going to Tarpen Ben and sitting outside, and the bar, which people are out in front all day long, as well as Beer House and so on and so forth. Granted I understand, but there are residents in the apartment building which are above them.

Mayor Slesnick: We hear from them

Mr. Siegmeister: I'm sorry?

Mayor Slesnick: We hear from them.

Mr. Siegmeister: Hopefully you will consider what they are presenting and for the benefit of everyone; and whether I work there or not I am a Gables resident, and if tomorrow I wasn't working there, I would like to have a place that I can go, that I can take my girlfriend, I can take my dogs, I can sit outside and enjoy the weather. Obviously I enjoy the weather with my profession or I wouldn't do it. Thank you very much.

Mayor Slesnick: Thank you Josh. Mr. Vince Damian.

Mr. Damian: Good morning, I'm Vincent Damian; I live at 1115 North Greenway Drive. Just to comment on the tennis and eat refreshments afterwards; I played tennis at the Coral Gables Country Club for twenty-five years, and when we finished all of went one of two places: those of us that wanted a soft drink went to Burger Bob's, and those of us who wanted something else went to Duffy's, had a beer, sat around and playedpoker and various other things for two hours, that's the kind of thing you do when you play tennis at the Coral Gables Country Club. The other question is, do we need another restaurant on North Greenway Drive?- the answer is no; we wouldn't be here...if somebody was walking in here and there was a vacant lot on North Greenway Drive and he wanted a restaurant, we'd throw him out, we wouldn't even be considering this; we don't need a restaurant on North Greenway Drive. We've got plenty of restaurants on Miracle Mile, Ponce de Leon, and all the other streets of downtown Coral Gables, and they are great restaurants. We are only considering a restaurant on North Greenway Drive because all of us, me, you, all of us together want to preserve that building, want to make a go of it, and I'm totally and completely in favor of that; I'm not opposed to it, I said that the last time I was here. Now I'd like to begin specifically on a procedural point; I do believe, and I spoke to Elizabeth, or at least we traded e-mails; we have before us today a site plan which has been modified, amended, so it comes to you now today without the component of the outdoor dining on North Greenway; what is proposed today is to amend that, and put the outdoor dining back, that would be a substantial change and in my opinion I believe would need to go through the process all over again.

Mayor Slesnick: You want Liz to comment on that.

City Attorney Hernandez: The issue of what is substantial and material was already addressed in Newmont versus the State of Florida, a Supreme Court decision. The title remain the same – you consider...in Coral Gables you have two public hearings in order to amend our zoning approvals; this is on second reading, it was considered on first reading what was advertised on first and second reading is the...included the site plan, which had the outdoor dining. The City Commission is free to consider it, the City Commission is free to refer it back to the Planning and Zoning Board, and the City Commission is free to consider it and also have another public hearing if it so chooses. So you have any of three options that you can go from, many of which you have followed in the past depending on how you feel you want to poll the project or digest, it really is within your discretion, but it is appropriately here before you today for final decision if that is the way you wish to go.

Mr. Damian: I wanted to make the procedural point. Talking directly about this application, this applicant, Mr. DiDonato, I wish you great success, I wish the Country Club great success, whether it be as a restaurant and a public facility or just as a public facility whatever you chose to do. On the compromise issue, I did expect to receive a call from Mr. DiDonato in the past two weeks, I did not; I don't know anybody that did. The one person that spoke here, Mr. Volsky, he and his neighbors did have a conversation with Mr. DiDonato prior to the first hearing, and they did obtain a compromise. Mr. Volsky and his neighbors got what they wanted, which was to move the trash collection and the trash pick up from the west side of the property so that it did not annoy them as it has in the past, and for that reason that's good; good for Mr. Volsky and good for his neighbors, and good for Mr. DiDonato, he got them to go along with the plan, nothing wrong with that. If I was asked to have a compromise here, I think there are compromises and I certainly would have suggested them; there is plenty of space for outdoor dining all around that Country Club building. Its been pointed out that the swimming pool would be appropriate place, more importantly I think, the west side of the building is an open area over there with a little fountain, French doors that go out and could be expanded, right now we have receptions and things by, my granddaughters baptism was held there a couple of years ago; it's a lovely place and that could be expanded at least into one hundred seats of outdoor dining, the difference between outdoor dining on the west side and outdoor dining on North Greenway is obvious, you don't have a beer and pizza being served on a sidewalk of a residential neighborhood; it would be served outdoors, under the stars, but it would be enclosed, that there would be a wall around it and there would be landscaping, so that the diners, the people who wanted to refresh themselves outside would have a place to go, would be sitting outside in a lovely, lovely place, but it would not change the character of the neighborhood, it would be in conformance with the past use of the Country Club.

Vice Mayor Kerdyk: Let me just interject, that's already been approved, yes...

Mr. Damian: Oh yes, but Mr. DiDonato has said its going to be limited over there because he is going to use that for public functions as well; my suggestion would be to expand that if he needs to have a retail component of outdoor dining that would be the area to go. What I'm saying, if he had come and spoken to me within that two week period, if he was coming back, I didn't know

where he was, but in this two week period I would have made that suggestion to him and I make that suggestion to the Commission, and to the Planning Department to consider that. What is my concern? I voiced it before, but I thought about it; your statements, several of you said, it is inappropriate to have a place where they are serving pizza and drinks, beer, etc., on the sidewalk of a residential neighborhood in Coral Gables. I thought about that more; what this is going to attract, and it will because it will be an attractive place, there are going to be a lot of young people that are going to sit there and they are going to drink a lot of beer and eat pizza, and that's basically what it is, its going to be a beer parlor. This neighborhood, as you all know, that have frequented, every morning through the evening in the summer time and in the winter time, women, children, baby carriages, joggers, bikers, everybody, but particularly I thought about the fact that women are strolling down North Greenway Drive, on the sidewalk with two children, two babies in their carriages; I see it all the time, and it goes on 9 o'clock in the evening, 10 o'clock in the evening. That is totally inappropriate; this is what this neighborhood is about, its about walking around, its not having a beer parlor in the middle of the neighborhood; and I just hope that the fear that some harm comes to somebody as a result of drinking at that place in our neighborhood to a child or to somebody else never occurs, but if it does, we are on the hook, and its just inappropriate. Mr. DiDonato points out very nicely, and I agree I go to Lincoln Road quite often to sit outside, in a restaurant outside, but that's a restaurant area, that's what that area is for, that's where you should go but not Lincoln Road; you should be going to Miracle Mile, you should be going to Ponce, and this Commission has fought with itself, and the Planning Department has fought with itself on how do we get more outdoor dining in Coral Gables?- how do we do it on Ponce?- how do we do it on Miracle Mile?- and you are very, very careful not to interfere with other businesses, not to interfere with traffic on the sidewalk, not to make it a danger. Now we are not talking about Miracle Mile, we are not talking about Ponce, we are taking about my street where I live, where my neighbors live, where we walk, where we live, totally, totally different. So what I say is, I wish Mr. DiDonato all the success if what it takes is to be only a public facility and public functions there and he can operate it, and we can keep our club, the building basically is what we are trying to preserve here, otherwise we would turn it into something else, so be it, but I would strongly urge that he consider and bring back to you a change site plan with a larger component for outdoor dining on the west side. Those are the remarks are made before, I would request that you uphold your ruling of the last hearing, reject the outdoor dining on North Greenway Drive, if Mr. DiDonato wants to come back to modify it further to allow an expanded outdoor dining in other areas that are enclosed, I would so support it. Thank you.

Mayor Slesnick: Thank you. We'll close the public hearing with that and....

Commissioner Withers: Can I ask Mr. DiDonato a question Mr. Mayor? I have not seen your proformer yet, but could you please tell me how much of your proformer is based on beer and pizza sales?

Mr. DiDonato: I don't expect to do very much beer sales whatsoever, and that's not what...we are not building a pizza parlor here; we are building something for the local community, we are building something for the ladies who are walking their babies, and the golfers who are going to a golf game to be able to sit down and have a café, or a bottle of water and enjoy the local area while they are walking in the community, we are not a destination; we are not targeting the

University of Miami by no means, this is all part and parcel of what we want to do with the Coral Gables Country Club; we want to raise/elevate the perception of the facility with our banquet facility and the restaurant reflects that and will reflect that, it has to be higher end, good quality, very professionally run operation because the key component of our business will be the banquet facilities, and I stand here before you again saying that we will be happy to run the banquet facilities, the restaurant should be complimentary to that, and putting the beer garden with kids and so on would be very detrimental to that business, so we absolutely will not be running a beer garden.

Commissioner Withers: Thank you.

Commissioner Anderson: I have a couple of comments and thoughts to through out. One of the words that were used today was vision; and we had the foresight and the luck to get the Palace in our City, which is a quality operation, its going to be going on in one of our public parcels of land. I think quality is what we look for, good partnerships are what we look for; I have a resident, taxpayer and voter who said that she'd been to the Casa Loma in Toronto, and thought it was an incredibly wonderful establishment, done with great care, done with just tremendous high quality. I think that's what we want in Coral Gables; I think those are the things that maybe the people are here aren't saying it, but I'm hearing it more and more, the people want some options that are reflective of our City, and I think an outdoor café in a small modest reduced size can't hurt. It comes with the an owner, a proprietor, a partner of ours that has demonstrated through his Heritage Properties, his historic properties what they call in Canada, that same care and concern that I'm sure he would have here in Coral Gables. I would hope that we might consider his proposal of a reduced, I mean, I was ready to do the other, but if the proposal of the reduced seating would be something to consider; it's a meeting of the half way of the minds, and its something I think we would be proud of. I just wanted to throw an anecdote, as you well know I opposed the Village of Merrick Park way back when, and...

Commissioner Withers: You did? I don't remember those days.

Commissioner Anderson: You don't remember that now, I do; it kind of changed my life, but you know I still think I would have liked a different project there, but you know, being that its there I actually go eat there; I've eaten there...you can actually spot me. So I think that there is room to change your mind and look at things, look at things afresh, and I think we have a wonderful operator. I hope we do consider his revised plans. Thank you.

Vice Mayor Kerdyk: I guess we are going to agree to disagree here. I don't know if you can draw too much of a correlation between the location of the Village of Merrick Park and the...

Commissioner Anderson: I never meant to correlate that, it was just an experience. People can change their minds once they have something in their midst, that's what I was just saying.

Vice Mayor Kerdyk: Anyway I don't question Mr. DiDonato's business acumen whatsoever. I understand him to be a top caliber businessman, no doubt about it. I'm just having difficulty with the outdoor dining on North Greenway Drive. Hey, life goes around; we have different opinions, I mean its not like we're saying, don't have any outdoor dining whatsoever. We gave him other

options and other possible venues where to put the dining, and I just can't get by on the grass, which would no longer be grass, but some of the grass on that side of North Greenway; and I'm very cognizant of the fact that our residential community is abutting it; and it's the old situation that when it's in somebody's else's backyard it's not a bad idea, but if it's your backyard it's all of a sudden it's this and that. But the fact is it's not my backyard, but I'm cognizant of the people that live in that neighborhood there, and that's why I'm having a little issue with it. You know, outdoor dining, having drinks, talking, you think you can't hear, but sometimes you can hear, noise travels, and the residents around there I feel, I understand the situation, and if I was living in that neighborhood I'm not sure I would want that outdoor dining in my neighborhood. So, that's where I have an issue with it, and getting back to Mr. DiDonato's other issue about the Country Club, I certainly will study that, his other option there; I want him to be fully successful in how to move forward. That's it.

Commissioner Withers: Thanks Don. I'm fully supportive of the outdoor dining, and I'm supportive of it for a couple of reasons; number one is the model that has failed twice will fail again, I think we realize that, and I remember this Commission when Ms. Swanson was here was very excited about a new concept that would bring in community, that would bring in neighbors, it would be a meeting place once again. I don't see how a, and I'm not supportive of turning this into a banquet hall, I literally would rather close it down, and put Don's Riding Academy there; but I mean that, I do not want to see a weekend banquet facility there, I will not support that, I would rather let the lease, I know Mr. City Manager this will cause you some anxiety, but I'd rather release this individual from the lease and say thank you it just didn't work out. You know, I remember early on I said, we really need to hammer out what's going to happen there, we really need to be comfortable with what the hours are going to be, what we expect the operator to do, and we just all of a sudden hit this concrete wall. You know, we hold ourselves up to be this great European city with European architecture, European multinational community with consulates here, world headquarters, and world Olympics, and we try to put on this multinational-world European flair ambiance, the streets, the fountains, the architecture; and for those that have been fortunate enough to travel throughout Europe and throughout the rest of the world, what we see here at this Country Club is not uncommon whatsoever through at least the parts of the world that I've had the opportunity to travel to. It is not out of the realm whatsoever to have a larger boulevard in a residential neighborhood, to have an outdoor dining facility, it's just natural. I really am surprised; I thought the neighborhood would be excited about the meeting place, I really thought that the folks around would be excited about....listen, if Burger Bob's wanted to put tables behind looking onto the first "T" there...

Mayor Slesnick: We would never allow it.

Commissioner Withers:...I know that, but I wouldn't have a problem with that, Don, that's what I'm saying. I think South Florida is about being outdoors, and I think Coral Gables is about being European feel, I mean, international feel, and I just think we are painting ourselves into a box; I do not again, I do not want this to be a Friday night-Saturday night banquet facility for weddings, barmitzvahs, quinces, graduation parties; I just think we are doing a tremendous disservice to ourselves and to a great facility that we have really an opportunity to use as...I guarantee you that George Merrick envisioned that Country Club as a place for neighbors to come and meet,

and I doubt very seriously that he would have any issues with people meeting on the grass outside having whatever they had in those days, teas, or whatever they use to call...

Commissioner Anderson: They used to have good Whiskey over at the club to sell the land.

Commissioner Withers: I don't think its going to be the beer and pizza kitchen that one of our residents said it was going to turn into, and that we are going to have drunken college students stumbling their way along the sidewalk; I think that's an incredible disservice to this developer and I think with the reputation this gentleman has, I think an apology should be in order, but that's a different story. That's all I have to say.

Mayor Slesnick: Well, let's first of all get some of the facts straight as to what the input was, and again, Mr. DiDonato I know that you probably think its insincere not to agree with you on your application, but to tell you we hope you do well, I sincerely do believe that. But first of all as to the input, we have a sheet in here which is the people who actually took cognizant of these notices, and you know, one of the things Mr. Manager, I think we need to start doing is to somehow tag our notices, so people realize what they are because I can tell you even though I assiduously read all my stuff because I'm involved in the City, I still have people coming up to me and telling me they have no earthly idea this was coming up, even though they had notices, and I know they had notices, but they just don't take cognizant of some little piece of paper that comes in the mail that's very unobtrusive and is buried in the mail. So we still have a lot of unresponders, but we have this response, and if you look at the responses its 11-7; 11 no objections, 7 objectors, so I can tell you that that's not exactly no objectors; of the 11 no objections, there is one from Massachusetts in some Trust that owns property in the neighborhood, but the response came from Massachusetts; Mr. Damian is not on there by the way so that adds one, and also the Commissioners received the following e-mails, which I will submit to the Clerk; these have gone to all the Commissioners from Luis and Linda Perez who live at 811 North Greenway; from Aldo and Ramona Busot who live at 819 North Greenway; from Graham Groves who lives at 1261 North Greenway; from Mr. Enrique Lopez who lives over, I think two blocks away on Obispo – three blocks; and then there is another one that came from Mr. Dan May, he is already included in the count; and we have another one that was sent to all the Commissioners, but I could not find it this morning in printing these out, I will continue to search for it from the Tilghmans who live directly across the street from the club on South Greenway; and so if you take the responses, if you will, you have just about an exact tie with the majority of the people who live on the Greenway Drive being objectors. So that is just to clarify that; secondly, its not about outside dining, its about where is the outside is located; there is outside dining allowed here, and there has always been outside dining allowed here, and there is in fact an area right next to the current dining room, right next to the bar in the current dining room which is outside and usable, and has been used before. I'd also remind this Commission, we talked about neighborhoods last time; we make a number of decisions that affect the entire City based on the neighborhoods. I just sat down and drew up this little list here, it's not exactly a major research thing, but this is of my memory of our time together. I remember when Turnberry Bank wanted to close that little street that is a surplus street, if you will, at the corner of University and Ponce, and donate land and make a beautiful park area so they can improve their building and create a park; this Commission turned that down because of two people from the neighborhood that objected. The waterways – this is a long history of this. We were going to

build a canoe dock for vision and for recreation, for all these wonderful things, European and so forth, for kayaks and canoes at the park at the corner of Granada and Bird Road so that little canoes and kayaks can go in the water and people could transit our waterways; this Commission turned that down because of several people on the waterway said that gangsters and mobsters, rapists would come down in their canoes and kayaks and enter their homes. We had a proposal from a person who wanted to run small boats up and down the canals, electric quiet boats with eight people on board and give tours, as George Merrick did for George Merrick's vision, we turned that down because of a few people who live along the waterways that objected to these, that criminals would charter these boats or something, and stake out their houses. The Publix at Riviera Park was going to be rebuilt into a much more modern, accessible, nicer store, on the same footprint, except for taking over the alleyway and moving into the direction toward U.S.-1, we turned that down. The waterway development on U.S.-1 at the waterway, which has always been developed as a commercial property is now in court, and so forth because of neighborhood objections and we've not permitted that. I won't even get into the apartment complex by the Biltmore and so forth; but this has been a Commission which has been responsive to the concerns of its neighbors to adventures which are not residential in nature; and Chip, you and I agree on ninety-eight percent (98%) of most of what we do around here, and I appreciate that, but I would appreciate you even if we didn't because I appreciate your style, and your comments, and your feelings; and you are hitting somewhat below the belt by using all the wonderful things that I agree with you on, Europe, and European Vistas, and outside dining; but I too have visited a number of European communities, and I very seldom found restaurants – outside restaurants in single family residential neighborhoods; yes in multi-family residential neighborhoods, you're absolutely right, in apartment districts, and downtown areas, but not in single family, not that I remember. So I'm not sure that I totally agree with your recollection. We also can claim everything we want to about what George Merrick saw, or what George Merrick envisioned; but George Merrick didn't have people dining out in front of the Country Club, we know that to be a fact. So that whatever the facts may have been later in life, we know what he didn't do, and he didn't do that. He built an outside dancing area behind the club and behind the club's exterior walls. So that's what we know he did do; and also Chip, the Club has always made its money, whenever it made money which wasn't often, out of its catering, its catering carried the Club, and so having a catering facility which is run properly by good operators, and by first class people, as this group is, I don't think give the image that you've portrayed in arguing your case; I see it as a totally different image, and the catering at this Club has never been on weekends, Sunday and Saturday nights; it has been lunches throughout the week, its been dinner parties throughout the week, its been the Army/Navy Clubs, the 200 Club, the Rotary Club, its been the Quinces, its been the weddings, but its also been the University of Miami Women's groups, its been the teachers at Coral Gables High School before they go back to school, its been everything and everybody that I don't think is the normal like, quote cold catering business that you project, it is the groups within the City, the groups that are very closely related to all of our lives that use the club for their events and their regular lunches; and maybe Mr. Holmes who I have not quoted often, but I'll give him credit, is right to suggest that as we move into this, maybe we pushed this group too hard for some public access too quick, and maybe as they move in and take the club and start their catering business and start doing this, as we get to know them better, and as Mr. Damian has suggested as we may have further discussions about possible compromises, if there are compromises to be had, then I think that's the way to approach this. Thank you.

Commissioner Withers: Mr. Mayor can I ask Mr. DiDonato one question about, maybe I misunderstood his comment, but the banquet facility would be a Rotary Club, Kiwanis Club, or would it just be your Friday and Saturday night?

Mr. DiDonato: Private functions only, so people would have to book...

Commissioner Withers: So those aren't...

Mayor Slesnick: If a club comes to you to contract to have fifty-two lunches a year there...?

Mr. DiDonato: That's something we would consider obviously, but that's not the quote/unquote "core", part of our business; it would be for more private functions.

Commissioner Withers: See Don, my concern is this: when I was a member of the Rotary Club of Coral Gables and President of Rotary, etc. we were always battling with the Country Club because they couldn't afford us and we couldn't afford them, that's what happened with Kiwanis. So I don't see this club being your mother's Rotary Club facility and breakfast for Chamber of Commerce; the events and the cost to carry the events and to do the things from what I understand his company does, is going to be the larger Friday night, Saturday night events, if that's what they relocating to doing. I don't see them doing your community-based fifteen people luncheons. I just don't see that.

Mayor Slesnick: Wait, wait, OK. The fact of the matter is though that even if you make your most money off your big Quince or wedding, you still have the Rotary Club can afford the Colonnade Hotel now and would rather move back to the Country Club, and that's fifteen people that's a hundred-some people once a week. If you have a Chamber and the Chamber just recently said to me they sure hope this would open because they would like to consider it for their...they are at the Biltmore right now, I mean, I don't know.

Mr. DiDonato: May I make a comment?

Mayor Slesnick: Sure.

Mr. DiDonato: Having a restaurant facility or café within the facility will allow us to work with those groups who don't have larger budgets because you are not bringing in the additional staff and additional people to service that community for a lunch. So if for example, we were requested to do a lunch for thirty people on a Tuesday and most of our staff now becomes part-time and only works for functions then perhaps yes, we would turn that event away; and a lot of the discussions we've been having with the Kiwanis groups and so on, would be based on having a full time staff running a restaurant or café; without those then the model changes completely, and we will have part-time staff or allocated for events only, and we wouldn't be able to execute a lot of those kinds of events which are ancillary and don't make a lot of money, but provide us a marketing opportunity, and provide us an opportunity to engage the community. So Mr. Withers is absolutely correct that the model changes completely by not having a restaurant that is opened regularly where we have staff that is full-time, it becomes a banquet facility.

Mayor Slesnick: I understand that; I'm just saying that there are a lot of these luncheons and dinners we are talking about that are hundred and fifty people, or a hundred people, or a hundred and thirty, they are not twenty or thirty people...

Mr. DiDonato: Yes, those we will do.

Mayor Slesnick: OK.

Mr. DiDonato: He was asking about the smaller twenty people luncheons for the Kiwanis Club.

Mayor Slesnick: The Rotary puts a hundred and twenty in the seats once every week and the University of Miami puts bunches of people in the seats, and the Doctor's Hospital Foundation put bunches of people...

Mr. DiDonato: Yes, and we will be happy to facilitate those.

Mayor Slesnick: Those are the kinds of things that need....But Nick let me put it back on you; you have the advantage of having us sitting here on the hot seat making the vote and you put all the pressure, and rightfully so, you are trying to get what you want done, if I was in your place I'd be saying the same thing, OK. So taking that for granted that I really want you to go forward, but I really want to meet the needs of my neighbors. Is there anyway Nick, let me put it out to you, because everyone else is throwing out suggestions, is there anyway that we can go forward with this, not approving the outside dining today, but hearing the fact that you would like to continue, well not like, that you would move forward on establishing your catering operation, that you would move forward in some other areas and so forth; for us to move forward by not approving the outside dining today, but for us to set, we will keep the issue open, in other words we can do that, can we not Madam City Attorney?- I mean, we can allow him to reapply without cost, without charge, whatever it is, what I'm trying to say is this, I'm trying to get to a point where we do have some neighborhood meetings with Mr. DiDonato and the neighbors to see if there is a way in which there can be an embracing of this idea or Mr. DiDonato can understand the full objections of the neighbors and then come back to us, in other words we approve the lease without the outside dining, but we hold the outside dining in abeyance to some near term future meeting where we would make a final decision.

City Attorney Hernandez: You can approve the...

Mayor Slesnick: Because I have to say to Mr. DiDonato, I am not in a position today-today, to change my vote, on the other hand if Mr. DiDonato, who is a very well spoken, nice looking, well presenting, young person could meet with the neighborhood and find a way that there is an understanding between the neighborhood and Mr. DiDonato, then I say let's give us all that chance.

City Attorney Hernandez: Mr. Mayor in the past as you know the City Commission has even in fact hosted neighborhood meetings to discuss issues, so that is always an option open to the City Commission to direct staff to host a neighborhood meeting, and have the applicant come to the meeting and make presentation, and the City being merely the host, and the provider...you

know, staff is there to answer factual questions. The City Commission has one of two options: they can defer the entire item until that happens, or they can approve everything that has been applied for with the site plan and defer that portion of it dealing with the outside dining.

Mayor Slesnick: And one of the things that has been playing on my mind and maybe bothering Mr. DiDonato, I hadn't thought that maybe bothering him, is that I guess, if I remember correctly re the lease that he has a time schedule to open the restaurant, well I don't think that would be of concern to us to make that dependent on these meetings, if that's one of the hang ups...

Mr. DiDonato: It absolutely is because our commitment is to open a café by October and a restaurant by February.

Mayor Slesnick: Well then – OK – and that all of a sudden popped up in my mind is that your driving force is meeting your lease agreement with us to do this by a date certain, and by golly I would hate to destroy, as Mrs. Anderson talks about vision, I would hate to destroy what might be there in 2012 because we have you hung up over an October opening date because we haven't gotten yet to the bottom of this issue. So if that can be...it seems to me that this could be moved forward. First of all I don't want to hold up the whole lease; secondly I'm willing to say we don't need to open anything until we resolve this issue, and that we put this issue on the back burner until he meets with the neighborhood; I mean, Mr. Damian has been an active voice in opposition and has said on several occasions that he is willing to meet and talk, so I mean, there is one person. The people I've read from the e-mails have sent some very concerned and very discerning e-mails, and I happen to know these are all very well respected and well educated and conversant people, who are willing to open and meet. So I don't know. That's my thought for the day.

Mr. DiDonato: Mr. Mayor may I make another perhaps compromise?- and I would consider in terms of timing and making things move forward, perhaps an interim period eighteen months, for example, for the café portion only with reduced hours, so we can bring people in, and we can show the community the style of restaurant we want, and should we not be doing those things properly, or they are incongruent, or inconsistent with what you'd like for the community, within a year after we have expended a considerable amount of money, which is probable about a hundred and fifty to two hundred thousand dollars just for the café, then we'll shut the café down, and that would be your decision to make, and this is you know, a position I'm taking from a business person who would never make that kind of decision, but I believe that's a very critical component to our model that I'm willing to take that chance in terms of building out this café.

Mayor Slesnick: But that kind of compromise is attractive to me, but I think needs...if we can just discuss it with the neighbors. Right now they haven't heard that.

Vice Mayor Kerdyk: Why don't we do this Mayor if I can offer since this is a sticking point here, it's a very important project in the City. Why don't we defer this issue for right now, this vote, with the emphasis to put on that you meet with the neighborhood within thirty days, we come back after you have your meeting, you proffer these possible arrangements, and in the meantime we can push back the opening date a little bit to correspond with this meeting.

Mayor Slesnick: And I don't disagree with the general gist of that, but I was thinking that Mr. DiDonato may want to conclude at least the rest of...

Vice Mayor Kerdyk: That's fine.

Commissioner Withers: I'm sorry?

Mayor Slesnick: Conclude the rest of the lease so that he can continue....

Commissioner Withers: Yes, yes, yes.

Vice Mayor Kerdyk: That's OK.

Mayor Slesnick: Would you be willing to postpone this one section of the lease until you are able to meet and suggest that, because knowing some of these people they might take kindly to that suggestion of a trial period where you try the café only and see if we can do that, I mean, I just...

Commissioner Anderson: I feel...this is all healthy disagreement, like we all do it, healthy disagreement. I don't see the harm in trying it for a trial period, even shorter than eighteen months, I think people would love it; I think people would really enjoy it. I've heard from other people who aren't neighbors, I understand that, and I'm sensitive to that and I certainly respect many of the people who have written me, I don't know some of them, but a trial period we can put it as a condition, I mean, that's something that we can revisit.

Commissioner Withers: You don't like the trial period?

Commissioner Anderson: No, I like the trial period, I mean, I would welcome the trial period because it would give people the opportunity to go and sit and look; I bet you if they sat and looked, that's what I was saying when I went to the Village of Merrick Park, was when I got a chance to go there despite my own personal objections to it, I enjoyed it.

Mayor Slesnick: Maria, not to argue, but I'm just saying the people who go and sit and look and drink and eat, I don't think are going to have a problem with it; Mr. Damian and others raised the issue of the people who are not sitting and drinking and eating, they are living there.

Commissioner Anderson: I'll give you a for instance. I live next to rentals, I live in an area that's mixed use, I don't get a choice as to who is my neighbor, and I have some rental neighbors that are kind of different, I would leave it at that right now, and they are no problem, they are no problem to me; and I'm saying that...I'm trying to kind of show that I live in an area which is very influx which has some very interesting characters there; they don't bother me, they are just different. Here see the difference is this is a known entity, this is a known quality entity; mine is an unknown; I don't know what these people are sitting next to me and behind me and around me; so the trial period is a kind of getting to know, it's a dating period with a very fine, fine firm.

Commissioner Withers: So do we table it or do we defer it, what do we do?

Vice Mayor Kerdyk: Yes, I have no problem....again, deferring the issue until Mr. DiDonato has the opportunity to reach out one last time with the neighborhood, and then try to proffer some of his suggestions, and then at that point coming back to the City Commission and re-discussing the item at that point, we are talking within a thirty day period.

City Attorney Hernandez: Since you are saying a thirty day period, do you want the City staff to host a public meeting so that there is a place for it, or are you going to wait?- I don't know that he has the mailing list, I don't know that he has the mailing list...

Vice Mayor Kerdyk: I think this is important; I think this is a City facility, I think it is incumbent upon the City to reach out to the neighborhood and host this get together with the proprietor, and facilitate the conversation...

City Manager Salerno: We can handle that.

Vice Mayor Kerdyk: What's that?

City Manager Salerno: We can figure that out....

Vice Mayor Kerdyk: Yes...

City Attorney Hernandez: And when would you like us to bring back that portion?

Vice Mayor Kerdyk: Yes, I think that would be the best way to proceed, and then we can have this conversation again about trial periods, once we go through this portion.

Commissioner Withers: So the agreement is, if the neighbors, the group as a consensus that a trial period is something they can deal with, and we give that our blessing today? I just want to make sure.

Mayor Slesnick: I would not ask this to happen if I wasn't going to be moved by the results of the meeting...

Commissioner Withers: Fine – OK – fair enough.

Mayor Slesnick:...and by the way, I don't think that I have ever, in naming the things by the way, that I named as far as our decisions...

Commissioner Withers: Did I vote against that canoe thing? I thought...

Mayor Slesnick: I have a pretty good history of not being swayed by one or two objecting neighbors, that is not my point Nick, that one or two people are the crux, but if there could be a feeling, you said yourself, again, I'm going to throw it back at you, because you've got the luxury of throwing it back to us, you said yourself that you want to embrace the neighborhood, and you want interaction with the neighborhood, well I'm throwing it back to you that I want to help you do that, and if we can come to this; but your suggestion of the café using a trial period

for the café to see if that works, on a set time basis, has raised my interest, and I would like you to interact with the neighbors to see if it raises some of their interest; and if it's a thing that can raise some of their interest, then I think we can move forward productively in a manner in which you suggested.

Vice Mayor Kerdyk: There is only one other component I want to, very minor issue; is that once this meeting has occurred and we set it for here, I want to make sure that staff reports back to the Commissioners that want to discuss it in its whole, on a one-to-one basis Mr. City Manager.

City Attorney Hernandez: May I just make one recommendation?- you are being very specific as to what you want in terms of what's being brought to the neighborhood; I would just recommend that the motion be to approve all of the – that which was recommended as proposed in the staff report, except for the outdoor dining, and to allow that to be discussed and not limit it to just a temporary period or just because, you know.

Mayor Slesnick: Fine. Another thing though we have to extract the obligation of Mr. DiDonato to open until such time that we set a new opening date based on these discussions; and it may never be opened, it may be opened sooner than later, but he needs to be relieved of that obligation.

Vice Mayor Kerdyk: I think that's fair. That's a good point.

Mayor Slesnick: And let me say again, the only thing that I am asking that be discussed, Mr. Manager, is the outside dining on North Greenway, that is the only thing I've got input on. You know, Chip in his effort to help you has raised some questions in people's minds because Chip keeps talking about what a cutting edge organization you are, and all the glamour and glitz parties you have in Toronto, and so forth, and some people have heard Mr. Withers and asked me about that, but the only element which has raised any public discussion has been your suggested outside dining on North Greenway. So that is the only area, this is not a discussion open to decide what you are going to do inside the building and so forth. Is this something that you can live with?- can you live with this approach?

Mr. DiDonato: I'm here to work with the City and try to...

Mayor Slesnick: I understand it's not what you asked for, but I'm asking if you can work with us and live with this approach.

Mr. DiDonato: Sure.

Mayor Slesnick: Because I'd like to do this with a partnership with you.

Mr. DiDonato: Yes.

Mayor Slesnick: Good – and we'll schedule it for....

Vice Mayor Kerdyk: Within thirty days.

Mayor Slesnick: The November meeting; we have one meeting in November. If we can do it in two weeks we can schedule it for the next meeting.

Mr. DiDonato: I would need more time, so end of November.

Mayor Slesnick: The November meeting, it's the third Tuesday...we are changing that...

Commissioner Anderson: No, I think it was the 17th of November that was at least on the agenda.

Mayor Slesnick: The 17th, isn't that the second?- the 17th of November, is that possible? The City is going to get the meeting together, the City is going to do the notices, and we are going to ask you, if you would, interact with the residents, OK?

Mr. DiDonato: Absolutely.

Mayor Slesnick: OK.

Commissioner Withers: So we need a motion, you want me to second Mr. Kerdyk's motion?

Mayor Slesnick: Yes, if you would, then I'll rephrase it and see if Mr. Kerdyk agrees that's his motion. Mr. Kerdyk moves and Mr. Withers seconds that the Commission approve Item E-1, as it was approved on first reading with the following amendment: that the issue of outside dining on North Greenway be deferred until the November 17th meeting, and in that interim period of time a public meeting will be held as set by the City and noticed by the City for the residents to meet with Mr. DiDonato to speak about his proposals; and secondly that the portion of the lease which require Mr. DiDonato to open the café and restaurants at certain time periods be...

City Attorney Hernandez: That would be separate Mr. Mayor that would be a separate matter.

Mayor Slesnick: Why?- because we are approving the lease right now, that's part of the lease.

City Attorney Hernandez: We don't mix lease...

Mayor Slesnick: OK, that's a separate matter – OK, that's it, is that OK?

City Attorney Hernandez: OK, we'll get back to that. Any other discussion? Mr. Clerk call the roll.

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: No

Mayor Slesnick: Yes

Abstained: Commissioner Cabrera

(Vote: 3-1)

Mayor Slesnick: Now, I would accept a motion that Ms. Hernandez help me with this, I just want to make sure we are correct; what we are trying to do, let me outline what we are trying to do, we are now trying to get relief to Mr. DiDonato from his lease agreement with us to open restaurant and café on certain dates, and I would like to have us...

City Attorney Hernandez: OK, could you direct us to bring back a report on that at the next meeting Mr. Mayor, instead of taking final action at the present time.

Mayor Slesnick: The only thing is I think he's under the gun right now, and I want to make sure he understands he's not, so.

City Attorney Hernandez: I can't answer that unless we....

Mayor Slesnick: I'd like a motion to direct the City Attorney and City Manager to come back at the next meeting with a recommendation as to our consideration to extend the timeframe for Mr. DiDonato to open the restaurant and café until such time that we have concluded the outside dining issue. Do I have that motion?

Vice Mayor Kerdyk: So moved.

Commissioner Withers: Second.

Mayor Slesnick: All those in favor please aye, opposed like sign.

Commissioner Anderson: No.

Mayor Slesnick: It passes. So let me recap. Where we are is we have approved the ordinance as we read first; it is approved all the applicant has applied for except for the one portion of outside dining on North Greenway Drive, that has been held until the November meeting, and there will be a meeting with the neighbors between now and then to discuss Mr. DiDonato's original proposal, his alternate proposal, and his possible alternate-alternate proposal. OK? Mr. DiDonato thank you very much for putting up with the process of a public nature, and we look forward to working with you and making this a success.

Commissioner Withers: Thank you Don and Bill for working through this.

Mr. DiDonato: Thank you for the time and consideration; I do appreciate it.

Commissioner Anderson: Best of luck.

[End: 11:10:40 a.m.]