

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-7**  
**November 17, 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**  
**Deputy City Clerk, Billy Urquia**  
**Planning Director, Eric Riel**

**Public Speaker(s)**

**Nick DiDonato, President and CEO of Liberty Entertainment Group and President of Coral Grand LLC**  
**Vincent Damian, Coral Gables Resident (N. Greenway Dr.)**  
**Richard Namon, Coral Gables Resident (Oakwood Lane)**  
**Priscilla Thurer, Coral Gables Resident (Castile Avenue)**  
**Roxcy Bolton, Coral Gables Resident (Cadima Avenue)**  
**Cathy Swanson-Rivenbark, Coral Gables Resident (Harlano)**  
**George Volsky, Coral Gables Resident (Alhambra Circle)**  
**Aldo Busot, Coral Gables Resident (N. Greenway Dr.)**  
**John Adams, Coral Gables Resident (DeSoto)**  
**Beau Genovese, Coral Gables Resident (N. Greenway Dr.)**  
**Paige Harper, Coral Gables Resident (N. Greenway Dr.)**  
**Gaston Artois, Coral Gables Resident (N. Greenway Dr.)**  
**Dr. Richard Polo, Coral Gables Resident (Almeria Avenue)**  
**Rip Holmes, Coral Gables Resident (Sevilla)**  
**Dr. Arthur Sokoloff, Coral Gables Resident (N. Greenway Dr.)**  
**Russ Borden, Coral Gables Resident, (N. Greenway Dr.)**  
**Haydee Polo, Coral Gables Resident (Aragon Avenue)**  
**Pippa Milne, Coral Gables Resident (Sorolla Avenue)**  
**Dan May, Coral Gables Resident (Majorca)**  
**Patrick Alexander, Coral Gables Resident, (Minorca)**  
**Enrique Lopez, Coral Gables Resident, (Sorolla Avenue)**

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E-7 [Start:

An ordinance of the City Commission of Coral Gables amending the previous conditions 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 providing for an effective date. (Passed on First Reading September 22, 2009).

Mayor Slesnick: We are now going to E-7, which is on the second reading, although Madam City Attorney, I am not sure that we have captured this directly; I think we have approved everything but – Madam City Attorney is out.

Commissioner Anderson: She'll be back in just a second.

Mayor Slesnick: We'll wait for our City Attorney. Madam City Attorney....

City Attorney Hernandez: Yes Mr. Mayor.

Mayor Slesnick:....the item that is reflected here, its my impression that we had approved everything on second reading, but for the one issue of the North Greenway Drive dining.

City Attorney Hernandez: Correct.

Mayor Slesnick: The item says that we are addressing the whole thing all over again.

City Attorney Hernandez: No, this is just the title.

Mayor Slesnick: OK – just the title.

City Attorney Hernandez: An ordinance of the City Commission of Coral Gables amending the previous conditions 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 providing for an effective date. All items were approved by the City Commission except for the one outstanding item on the outdoor café, which staff will bring to you today following the neighborhood meeting that the Commission directed staff to host.

Mayor Slesnick: I also understand Madam City Attorney, that you will allow me to clarify my interaction with the citizens.

City Attorney Hernandez: Yes, Mr. Mayor it was brought to my attention that there may have been ex parte communications, and as a result I advised your office that it would be appropriate for you to do the Jennings disclosures on the record, or otherwise recuse yourself if you believe that you are biased serving here today in reaching a final determination.

Mayor Slesnick: Well, I will not recuse myself; I do not believe I am biased. I have responded to e-mails sent to me by the citizens; I have not interacted with the proposer or the applicant; I have not interacted with any organized organization; I have interacted with citizens who write to me first, and in many cases they were e-mails written by someone else other than the writer because they are exactly the same as the last one I got on top of the last one. So, I have responded and I have discussed the issue with the citizens. I will say this Ms. Hernandez, that I have voted twice against this, that's a public record, I have public voted twice....

City Attorney Hernandez: Yes sir.

Mayor Slesnick:....but it was because of my discussion that gave the applicant the possibility to come back here, if it were not for my discussion he would not have been back here, and I will hold my vote to a higher standard obviously, because I would have to reverse myself to do it...

City Attorney Hernandez: Right.

Mayor Slesnick:...well if that's prejudice well I'm sorry, and I have to tell you that I will never stop responding to the citizens of this City best I can.

City Attorney Hernandez: May I just put the five questions on the record then sir.

Mayor Slesnick: Yes ma'am.

City Attorney Hernandez: Mr. Mayor were you subject to ex parte communication or engaged in ex parte communications regarding the application that is before the Commission today?

Mayor Slesnick: I have e-mails from the citizens; I have submitted all the e-mails to the City Clerk.

City Attorney Hernandez: And they are all part of the record?

Mayor Slesnick: They are.

City Attorney Hernandez: Did you receive any information or discuss any issue that you been involved in any way that has prejudiced you in your deliberations here today or created a bias which you may not overcome?

Mayor Slesnick: Not other than what I have said publicly in the first two hearings.

City Attorney Hernandez: And in which your decision you are able to rely on the evidence of record and the testimony presented at today's hearing without regard to any information which you may have received outside of the public hearing?

Mayor Slesnick: I will and I'll add a footnote to that too, I want to be perfectly clear. When we left here last time even though we were voting...I was voting against the outdoor dining, I turned to the applicant and offered him the opportunity to meet with the neighbors, and based on those meetings and the neighbor's reaction, that I would come back here and consider that reaction, and that's why I am here.

City Attorney Hernandez: Thank you sir.

Ms. Bolton:...[Inaudible – off mike]...what is rote mean.

Mayor Slesnick: Wrote not a rouge....in other words someone writes an e-mail and other people copy it word-for-word and sent it to you; in other words it's not written by the author supposedly, its written by someone else and they copy that e-mail and you get thirty of them, the same thing, same words. That's what it is...

Ms. Bolton:...[Inaudible – off mike]

Mayor Slesnick:...you got the wrong word, they do it by rote. OK. Thank you.

Mr. Riel: Good morning Mr. Mayor, members of the Commission, just like to give you a brief background. On October 22<sup>nd</sup> the Commission approved on first reading the site plan and amendments to the conditions of the 2002 approval. This approval did not include the outdoor dining. On October 13<sup>th</sup> the Commission again approved on second reading the amendments on the site plan. The Commission deferred consideration of the outdoor seating to this meeting to allow City staff in conjunction with the operator....

Mayor Slesnick: Could we please start being specific because one of the confusions I think has been outdoor seating, its not that we are preventing outdoor seating, we are talking about one specific area of outdoor seating; could you make that clear Mr. Planning Director?

Mr. Riel: Certainly....we'll do that as part of the presentation.

Mayor Slesnick: Thank you. Isn't outdoor seating approved in this plan already?

Mr. Riel: There is outdoor seating approved on the west side.

Mayor Slesnick: And is outdoor seating allowed around the pool?

Mr. Riel: Yes, it would be allowed around the pool.

Mayor Slesnick: Thank you. I would like everyone to understand because a lot of e-mails I got after your letter to the citizens of this City, Mr. Planning Director, was that we were discussing whether we approved outdoor seating or outdoor dancing within the Country Club's domain, and we are not here to discuss about the general concept of outdoor seating or outdoor entertainment; we are here to discuss outdoor seating in one specific location, the front yard of North Greenway Drive, is that correct?

Mr. Riel: That's correct.

Mayor Slesnick: Thank you. It was not so evident in your letter.

Mr. Riel: As we indicated, the Commission deferred consideration of outdoor seating to this meeting; asked City staff in conjunction with the operator to hold a neighborhood meeting. Staff completed that on November 3<sup>rd</sup>. Basically the intent of the meeting was to ask questions of the operator, and provide input on the outdoor seating proposal facing North Greenway Drive. If the Commission reviewed results today in allowing that outdoor seating, we've attached an ordinance as Exhibit "A" here in the packet. The October 13<sup>th</sup> minutes are also attached as Exhibit "B". At the October 13<sup>th</sup> meeting, the operator submitted to the Commission for consideration a reduction in the seating, reduction in the paver of square footage in installation of additional landscaping. The proposal is thirty-two (32) seats in the café area, and forty-eight (48) seats in the restaurant area. The neighborhood meeting was held on November 3<sup>rd</sup>, public input was received 26 speakers, 142 people attended and signed in, and a PowerPoint presentation was presented, that is included in your packet. Since distribution of the Commission packet, we've gotten a lot of comments, and Walter if you could hand those out; we've got a total of 160 comments...[inaudible – off mike]...We'd be happy to answer any questions, at this point I'd like to turn it over to the applicant who would like to make a presentation.

Commissioner Withers: I just want to make sure, I just want to follow up on the Mayor's previous question. This Exhibit 'I' is the City's invitation to the neighborhood, correct?-referring to the letter that was sent out.

Mr. Riel: Yes.

Commissioner Withers: OK. October 26<sup>th</sup> and stapled to it is the site plan, so I'm assuming if its stapled to the letter, that's what went with the letter?

Mr. Riel: Correct.

Commissioner Withers: And the restaurant outdoor seating on this site plan show how many...you've got so many attachments; is this the original or is this the reduced...that's not a fair question because you really can't even...

Mr. Riel: What is referenced on here if you look on the site plan is, café outdoor seating, and then the restaurant outdoor seating; the actual numbers are provided in the body of the letter. So this shows the seating by the pool that Don was talking about; it shows the seating on the west side where the service area is, and it shows the proposed café outdoor seating in the restaurant outdoor seating?

Mr. Riel: Correct.

Commissioner Withers: So today we are just discussing, so we are clear, the café outdoor seating and the restaurant seating?

Mr. Riel: That's correct.

Commissioner Withers: The only thing on the agenda...

Mr. Riel: Anything that's on for consideration, the site plan, the other amendments to the conditions were approved on second reading.

Commissioner Withers: OK. Thank you.

Vice Mayor Kerdyk: Can I ask you a question Eric? When the applicant in this particular case, initially was approved by the City, did he have a component in his plans that it included an outdoor café or outdoor seating in that location that we are contemplating today?

Mr. Riel: Yes.

Vice Mayor Kerdyk: It did?

Mr. Riel: Yes. It was actually more seating, there was a reduction in the amount of seating, and the applicant can go into that.

Commissioner Withers: Based on this site plan?

Mr. Riel: There was outdoor seating in the original; you are talking about 2002 or the one that was submitted through September? The September plans that you all voted on...

Vice Mayor Kerdyk: This applicant not that applicant in 2002, I'm talking about the applicant now, when you submitted the plans.

Mr. Riel: Yes.

Mayor Slesnick: Eric, let's clarify this. When they came with the lease before us, it was proposed in the lease and we took it out, and we said you got to go through the regular procedures.

Mr. Riel: What is was, is previously in 2002 proposal outdoor seating was prohibited, and asked for that to be stricken by a further proposal to include outdoor seating and make other minor changes to the conditions that...and that was what was applied for this year, and that's what you all considered first reading, obviously you didn't approve it on first reading, second reading you didn't approve it, you asked for the additional input.

Mayor Slesnick: Eric, to make it clear to the residents though, what happened, and the lease we signed it did not include it; it was removed in order for the applicant to go through the regular procedure.

Mr. Riel: I'm not sure in terms of the lease, I'm looking at it from a regulatory standpoint.

Mayor Slesnick: It wasn't in the lease, OK, it was presented to us and we asked that it be removed to go the regular procedure, which it's gone through now. So I'd like to make sure because some people believe that it was part of the lease we are reneging on or something. I just want to make sure we all know what we are doing.

City Manager Salerno: I'll address that, and staff please correct me if I'm wrong. The lease as presented, and I wasn't here in the first reading of the lease, I was here I believe in the second reading of the lease, the presentation of the second reading of the lease with respect to the café said that if the operator did not get approval of outdoor seating he is not obligated to provide a café; I don't think it was removed from the lease because it was never proposed as part of the lease, am I correct?

City Attorney Hernandez: That is correct.

Mayor Slesnick: I think you need to go back, I think you need to go back to the first reading then, because the first reading, we were talking about outdoor seating on North Greenway, and we said there was a specific procedure for changing the Zoning Code, because what we all need to understand is what we are talking about is changing the Zoning Code to allow this; and we said there was a procedure, Mr. DiDonato said he would go through that procedure, that's all I'm trying to....

Vice Mayor Kerdyk: I guess my question is, when the lease was signed was this in the proposal, the lease or not?- that's the question, maybe you are not the right person to answer that...

City Attorney Hernandez: When the lease was signed as we provided in the memo to you, outdoor seating approval was addressed under the lease for the café; the lease provides that if the tenant is unable to obtain approval from the City of outdoor seating outside the wall for the café, the tenant may elect not to provide the café operations as one of the

uses. There is no provision in the lease that makes the opening and operation of the restaurant conditioned upon approval of outdoor seating by the City. In the list of references made for the City in its municipal capacity as opposed to landlord, outdoor seating for purposes of the request by the tenant pending before the Commission required approval of an amendment to the site plan for the premises.

Vice Mayor Kerdyk: Just to clarify, so there is nothing in there that says, if the applicant does not get the outdoor seating, that the lease is cancelled by....

City Attorney Hernandez: Right.

Mr. Riel: And that concludes our presentation. I'll turn it over to the applicant.

Mayor Slesnick: Mr. DiDonato, Mr. DiDonato. Good morning.

Mr. DiDonato: Good morning. For the record my name is Nick DiDonato, President and CEO of Liberty Entertainment Group and President of Coral Grand LLC, which has entered into an agreement with the City of Coral Gables, the lease Coral Grand Coral Gables Country Club. First of all I'd like to say thank you for providing me this opportunity to be here and Mr. Mayor, you are absolutely correct, it was through your indulgence at our last meeting when this was going to be perhaps passed as a no vote that you provided me some consideration to get back out to the community and have the community have a voice and a say. So thank you very much, I do appreciate you allowing me to be here and presenting our position, and I appreciate you allowing the community to have a say in the application today. In May this year this Commission unanimously approved Coral Grand LLC as a tenant for Coral Gables Country Club. In my submissions at that time I presented our desire to include a café with outdoor dining located at the southwest corner of the facility which we are discussing today. I believe it is a critical component to our business plan, and the business plan that we have presented to the community, to the Commission before. In 2009, I signed a lease with the City of Coral Gables with the understanding that this Commission and the people standing here before me were in support of our proposal for the Country Club. That proposal included the café outdoor dining; my understanding was I had the support of the Commission and that I would have to go through the regulatory process of the Historical Board and Zoning Departments to have their approval along side, I believed that this Commission was along side and supported my application. I am hoping that today you will continue to support my application. At the last Commission meeting I attended again, you gave me the privilege to go back to the community and reach out to the community, and to explain to this community what we are intending to do, and over the past month or so I found out you had a very vibrant and caring community; a community that is involved in community matters and want to have a voice. So I applaud the people both, the people supporting us and people who are working against us in their ability to speak up for their rights and wanting to express their opinion. So I believe in the public process, and I believe that everybody is entitled to a say with respect to their community. On November 3<sup>rd</sup>, we invited members of this community who reside within a thousand feet of the Country Club to a community meeting. It gave us the opportunity to meet some of the

residents, which we have not done before, and it gave us an opportunity to explain our vision with respect to the Country Club and where we wanted to take that Country Club, what we wanted to do with it. Approximately 140 people attended the meeting, and that evening we received 112 people signed a petition requesting the approval of the outdoor café. So we found overwhelming support with respect to the numbers of people in the facility that attended the meeting. Also, beyond that we received another 240 signatures on our petition to provide support for this very specific outdoor seating; and we were very clear; we were not obscure in our presentation; we did not try to say seating outside, we had seating, we didn't have seating, we were very clear and focused with respect to what we were applying for. We marked out the café seating on the grass; we marked out the seating on the restaurant area, we allowed people to come into the facility, and we also provided them food and beverages which reflected the menu of our café. So people, I believe, that were at that meeting very well understood exactly where we were coming from with respect to our application and this process today. Subsequent to that meeting there was a web-based poll conducted by a local web page of which I have no affiliation-connection to, [gableshomepage.com](http://gableshomepage.com), and they received a positive response of ninety-nine percent (99%) of the respondents, and I think its 66 to 1. These are all items that resulted from our community meeting; people I'm assuming from [gableshomepage.com](http://gableshomepage.com) attended the meeting, recorded on that meeting and put up an independent poll. Most of the letters that I have received are coming from residents and it was based on us communicating to residents and communicating our vision. In that meeting it wasn't all positive; we did have persons standing and addressing us and challenging our vision, and giving us their interpretation and vision of what could go wrong. There were concerns about safety; the safety of the public because of intoxicated patrons, people drinking, making noise, safety of the neighbors. To that I responded, safety is paramount in my life and with my family, and I think it should be a paramount issue and if there is a safety concern, it is one that should be addressed. I believe that the vision of intoxicated patrons sitting in front of our facility in forty seats in a small café and myself having an event for 400 people in the Coral Gables Country Club main ballroom, 200 people in another ballroom, all in gowns having an event, having a wedding, having a social function, I would think that having an intoxicated patron in front of my facility on my entry way would be more detrimental to my business than anybody else on the street. So I can assure you as a business plan, it would be very counter-productive for me to have intoxicated patrons on my premises in front of my building. So to the safety issues with respect to intoxicated patrons, I can assure you we do not allow intoxicated patrons in our premises; I can assure you it would be totally counter-productive to our initiative here and to our business plan, and it would be in my mind, something that would not happen. Really in terms of safety I think there would be another issue; I think that providing an opportunity for a resident to sit in a café nearby in walking distance from their homes provides them an opportunity to meet their friends and neighbors, or meet their neighbors and become friends, it provides them the opportunity to sit and talk about what's going on in the City and talk about what's happening in the nighttime, and who's driving by and who's not; and I think it actually supports safety. In Toronto we call it the neighborhood watch, and we are providing the facility where this can come to fruition and the people of Coral Gables and the nearby residents can actually help with respect to their safety and issues in the area. A closed down derelict building with no lights on or no life is not something that would be

welcomed in any community. I'm not sure it would be welcomed here and I'm not sure that would be the right direction for the Coral Gables Country Club. There was consideration with respect to traffic, and about traffic at the Coral Gables facility. Well, we currently have a lease with the City which approved the numbers of people we have within the building. So the number of people in this building will not change. It is the same number of people, it is the same amount of traffic; there are no additional cars, there are no additional people. So when we are at capacity, we are at a thousand people, whether we have the outdoor café or not, will not have any impact on the traffic whatsoever, and I believe it will have a positive impact. What we have done is reallocated a hundred or so people from our banquet facilities into an outdoor area. When we've done this, what we've done is really spread out the critical mass. So now on a Saturday evening, we don't have 1,000 people coming at seven o'clock to attend the venue, we have 900 people. So in reality we have less traffic, it's a positive impact on traffic not a negative one. The café we believe will be frequented by people in the neighborhood, which means they will come by foot; and so that takes another hundred seats out of our facility, which perhaps would have to drive there, but now will walk to the facility. Now again, I understand the neighbors concerns, I understand the fear; the fear of what will happen, and what happens. In the first and perhaps it may have been the second reading, and it was actually in the second reading, this fear was brought up. The community said we allow this to happen then we have this café forever, so should we have intoxicated patrons?- should we have noise?- should we have traffic?- all of those things happen, there is nothing we can do. At that point Mr. Mayor, Commissioners, I offered up, I think a compromise, a compromise which most business people would do, and a compromise which I probably would not be offering should this have been before I signed the lease; we are offering a compromise to say to you give us the opportunity to prove what I am telling you is what we will execute; give us the opportunity to show you that the neighbors in the community would benefit from this small café of forty people; give us that opportunity, and if we fail you, you take it away. My name is on the line, my reputation is on the line, my business is on the line. I am just asking for a chance to make this a success. If you don't approve this you may never know whether this would have been a success, and whether this little café on the corner of North Greenway and Granada would be the community builder I believe it will be. This little component is less than 5% of our whole business, our whole business plan, and why am I standing here I need to do this?- and why am I going to spend \$150,000 to build a café which is going to generate a very small amount of business. The reason I'm doing that is because this café is the conduit to the community for me. I do not want to be this massive building, which is an intrusion to the public or to the community because it is there, it's been there since 1918, and it needs to be used for something; the City is looking for a use; you Commissioners agreed that the use I'm indicating here is the right use. Well, if I take this facility and make it a private function facility and close it to the neighborhood, I will be the neighbors and...for life. If you give me the opportunity to provide them a hub, a place where they can have coffee and meet their neighbors, a place they can come and enjoy the outdoors and enjoy their neighborhood, a place where they can come and have a discussion with me when perhaps there is a problem resulting from an event, as opposed to me having my closed doors, and I open on Saturday nights or open on Friday nights, and the rest of the time the community is shut out. Give the neighbors an opportunity to use the facility. For

years its been a private function space for private members only. You know, in the meeting of November 3<sup>rd</sup> we had 140 people and many, many of them had said we've never been in this building before. That to me for a public building is just incomprehensible, particularly a building where it is used for public use. Give the people an opportunity to use the facility. As I mentioned, we've received hundreds of letters, and you may have been copied on them – hundreds of e-mails, and I bring them to you today, and we've also received petitions from about 250 people. I think the people have spoken in those letters, and I've been through this type of meeting many times; in 25 years in the hospitality business, I run restaurants, nightclubs, banquet facilities, and whenever there is an issue at hand the public, the naysayers, the people who don't believe it come and are very vocal. I've never experienced, in my 25 years, the support I've experienced in Coral Gables, from the Coral Gables community, that to me was really refreshing, and to me was a sign that this facility has a potential to succeed.

Mayor Slesnick: Thank you Mr. DiDonato.

Mr. DiDonato: May I?

Mayor Slesnick: I'm sorry, how much longer did you want to go?

Mr. DiDonato: As long as you will permit; do you want me to stop now?

Vice Mayor Kerdyk: Can I ask him a question? On your 18 month trial period that you talk about for the café and the restaurant there, are you talking about at that point a sunset provision where basically, it sunsets and you have to come back to the Commission to reprove yourself? - or are you talking about just basically the Commission just giving a go ahead and moving it forward at that point?

Mr. DiDonato: I will leave that to your decision.

Vice Mayor Kerdyk: Very good.

Mayor Slesnick: We are going to move on to the public comment now.

Mr. DiDonato: May I read two letters?

Mayor Slesnick: Sure. I mean we have them, so they are in the record.

Mr. DiDonato: If I may?

Mayor Slesnick: Read the letters, but I'm going to give some other people some more time.

Mr. DiDonato: May I read one letter?

Mayor Slesnick: I said you can read two letters.

Mr. DiDonato: I think this one letter is important and really speaks to some of the issues I mentioned. *"To Mayor Slesnick and Commissioners: As Commissioners debate the validity and proposal for the Country Club of Coral Gables including an outdoor café, we feel its appropriate to discuss our position. We live at 904 Alhambra Circle and are direct neighbors of the parking lot, and share a property line with the Country Club of Coral Gables. Our perspective may be different than other surrounding neighbors. Currently we live beside a derelict property which has served no use to the City or surrounding area for quite some time. In fact it has served to bring us the exact opposite. The facility has been dark and without electricity and invited questionable activity to our doorstep. Many times we have had to inform the Police of suspicious activity or trespassers in the parking lot, especially at night. Obviously, this is not a pleasant situation. We invite any possible suitor who has a vision for the facility that will allow it to prosper and liven the area. Much concern is raised from neighbors about street traffic and music from an outdoor café. We would be more affected by this than many others who are vocal about this concern. Rather than negative, however, we would find this to be a positive for us and the entire City of Coral Gables. Granada Golf Course is an already wonderful outdoor place where people to congregate and to walk, bicycle, stroll and eat. In fact it is a City jewel that is unique as any other location in Miami in allowing people to enjoy the surroundings. An outdoor café will enhance this feeling, not because its confined behind walls or within the building, but because its something that people will see and feel, it is not to say that the facility operators should have free reign to encroach on the peace of the area, but it should have the ability to integrate itself into and enhance the area. We would welcome any trial period that would give the operators this opportunity and find it disingenuous for the Commissioners to be fearful of this trial period. The City should give the Country Club of Coral Gables every opportunity to succeed and to integrate itself with its surroundings, otherwise the City Commissioners would be voting to ensure failure of the facility and would be a financial and visual burden to this City and all of its residents. We request the Commissioners vote to allow the trial period for the new operators and give this facility the best opportunity to be a viable and become an attribute we can all enjoy".* This comes from a direct neighbor who I have not met.

Vice Mayor Kerdyk: I'd like to ask one last question, if that's OK. We talked about this briefly last meeting and I'd like to have...should you not get the outdoor seating there, what is your vision for the Country Club at this point?

Mr. DiDonato: Currently we are looking at making it a private function space and not open on a day-to-day basis.

Mayor Slesnick: Well, Mr. DiDonato isn't your lease call for you to open the restaurant, it does not hinge on this.

Mr. DiDonato: Mr. Mayor, my vision for the Country Club was to have outdoor seating in the café and that's what I proposed to you, and if I cannot do that, I cannot see a restaurant being viable, and I can assure you that restaurant will not succeed.

Mayor Slesnick: Does the lease allow you out of the restaurant?- it does not; the lease calls for you to open a restaurant there, whether you have outside seating or not.

Mr. DiDonato: I'm assuming we can go back and read the paper lease...

Mayor Slesnick: Madam City Attorney isn't that the provision of the lease?

City Attorney Hernandez: Regardless of the provisions of the lease, the parties are always free to negotiate...

Mayor Slesnick: No, no, I'm not asking to negotiate, I'm talking about Mr. DiDonato raises the issues that he will do something other than what is called for by the lease; the lease calls for him to open a restaurant.

City Attorney Hernandez: And then he will follow up with, I will go back to the City and come to negotiate, obviously the lease calls for a certain facility that we expect him to honor, we are getting woefully away from the regulatory evaluation, which I always warn...

Mayor Slesnick: Mr. DiDonato raised this issue, and its part of the issue which is driving some of the comments of the citizens, of whether or not there is going to be an empty and derelict building if he doesn't have the outside seating, and I'm looking at the interpretation of the lease by your outside Counsel, Reeder Glass, which says, whether the Commission approves or disapproves outdoor seating for the restaurant, the tenant will not be able to open the restaurant by February 15<sup>th</sup>....lease, in order for him from being in default, he is in fact going to have to modify that date, but that he has an obligation to open a restaurant.

City Attorney Hernandez: Correct.

Mayor Slesnick: OK. Let's make it clear....I mean, we discuss things...

Mr. DiDonato: Mr. Mayor...

City Attorney Hernandez: I'm just requesting that the parties....absolutely I think Mr. DiDonato was responding to a question from one of the Commissioners, and I'm asking both sides to please to stay with the regulatory analysis, so that we are not merging the issues.

Mr. DiDonato: Mr. Mayor with all due respect, without that café seating, we would not want to do a restaurant, we would want to make it a private function space only, and we would approach the City to renegotiate the lease.

Mayor Slesnick: Thank you.

Mr. DiDonato: Thank you.

Mayor Slesnick: What I'm going to do is this, we've had a request by Mr. Damian who represents the Greenway Drive Association, to go and speak on behalf of the Greenway Drive Association so we are going to give him a little extra time, since Mr. DiDonato had about twenty-five minutes or so, and then we are going to move to public comment; we have all the people that want to speak, and we will allow, and we have a light signage here for three minutes per public speaker, and we have a lot of you, so if you care to finish today we will hold you to the three minutes. Mr. Damian.

Mr. Damian: Good morning, my name is Vincent Damian, I live at 1115 North Greenway Drive. I thank you Mr. Mayor for allowing me the twenty-five minutes. Actually, I was asking for not for me to speak for twenty-five minutes, I was hoping we would get a time certain so everybody could speak, I don't need twenty-five minutes to speak here, I think the association, the neighbors need to speak, but I do appreciate the gesture. I've been here before, you know my position, I think that this use is totally incompatible with the neighborhood, with the North Greenway/South Greenway golf neighborhood, and I have stated that. I personally for the past eight years, you know, that every time there has been an attack on what I believe to be the territory of the residential neighborhood, wherever it has been in the City, I've been here to speak to you, I've been before the other Boards, everyone of them; this happens to be my neighborhood this time, but I would have been here whether I lived here or not; I believe that Coral Gables is a City of neighborhoods, and that's what Coral Gables stands for, and once we start allowing the attacks on our neighborhoods, then what is Coral Gables? its just another City where you pay your taxes and they pick up the garbage, and you have Police; Coral Gables is a special place we all love it, and we are here to protect the neighbors. Now, what happened at the last meeting was as I understood it, the vote was 2-2, and the outdoor dining was not going to be approved, and Mr. Mayor you're sensitive to your position as a resident on North Greenway said to Mr. DiDonato, I invite you please to go to the neighbors and see if you can convince them that this is a good thing, let us work together and go with the neighbors and let's see if we can have a good feeling here; and that didn't happen, rather Mr. DiDonato prepared a letter which he then gave to staff and they sent it out on City of Coral Gables stationery, a letter to a whole variety of persons, not the neighbors, not the North Greenway neighbors, they sent out to people on Segovia, people on Castillo, all the way up to the Prado, and they showed up at the Country Club for free drinks and free food, a 150 of them in a carnival atmosphere, in which Mr. DiDonato got up and said basically the same thing that he says here. Mr. DiDonato says do it my way or don't do it at all. If I don't get my outdoor dining then you get no Country Club, you get a derelict; and that's what he's offered to people and that's what he's offered to the people that are here to support it; they want a Country Club, I want a Country Club. I don't believe that Mr. DiDonato or anybody else is going to fail in this because he doesn't have eight outdoor tables, and for him to say, do it my way or don't do it at all; I'm in business, I'm a business attorney for many, many years, when people say that to me or my client I say, "Adios". So I hope he stays, I hope he operates that Country Club, I hope he puts the effort of getting members or getting people to use that Country Club, use the same effort that he has used to bring the whole City into a controversial situation of pitting the

community against the Greenway neighborhoods; 5,000 letters going out to the whole City and telling them that if they don't agree to the outdoor dining, they get no Country Club. I'm opposed to this because I've lived there for forty years, I moved in there expecting there to be a certain quality of life, and I've enjoyed that quality of life. I don't know if I'll be here another eighteen months, or a lot of my neighbors will, I'm not willing to give up my peace and solitude for even eighteen months. I know its wrong, I don't want it. I spoke to Mr. DiDonato outside, we had a very nice conversation, and I said, Mr. DiDonato, this would be like taking the Globe and putting it on North Greenway Drive, and he said, what's the Globe?- Well, he's not a Coral Gables person truthfully, he still could operate a Country Club, but that's what it is, the Globe has 8-12 small little tables outside, but look at that place on a Friday and Saturday night, its disgusting, I mean, its fine for what it is, its on Alhambra, but don't put that into Coral Gables neighborhood, don't put it onto North Greenway Drive. He does not mention when he sends out these letters that we are talking about the service of whiskey, we are talking about smoking. I envision this will go on until 11 o'clock – 10 o'clock in the evening that people will sit there, and they will drink, and they will smoke; the rest of the time they will be having their pizza and their beer, and having a good old time, there are lots of places in Coral Gables for that to be done; we've got Spree, we've lots of outdoor dining, and its in a commercial area, and that is where it is appropriate. I say again, you invited Mr. DiDonato to go to the neighbors, that would be the North Greenway neighbors, he did not do that. I went...we had a meeting at Mr. Busot's house, in which I invited, Mr. Busot invited the 60 or so, 65 neighbors that are on North and South Greenway Drive, not including North Greenway as it goes down to Columbus, but the ones that surround the Country Club; 27 persons, about actually 20 showed up at that meeting and they signed a petition opposing this café. When I went to the Country Club for the big meeting of the community, and there was some more North Greenway residents there and they requested and they signed the petition; there were other people with other addresses other than North Greenway who did not have to sign, but insisted upon signing, but there are 27 signatures here from North Greenway residents strongly opposing this café. I understand that there are four residents that are on North and South Greenway that would like to see this happen, two of them on the far end at North Greenway Drive, and the other on South Greenway were never blocked off from any view. But the overwhelming majority of the neighbors on North and South Greenway Drive have made their views well known, they are opposed to this. Now the end result of this unfortunately has been not to bring neighborhoods together, not to bring residents together, not to engender a good feeling in Coral Gables, what has happened here is he has pitted neighborhood against neighborhood, so that when somebody got up to speak at that Country Club meeting, they were hissed, and other people got up and they were cheered, I mean, this is not the Roman Coliseum where you stand there and you go up or down, lets throw North Greenway Drive under the bus because we want to operate the Country Club, lets throw North Greenway Drive under the bus because Mr. DiDonato says, unless we have eight tables outside on North Greenway we cannot operate a Country Club. Well, I don't believe that's true, I think he can operate a Country Club, I think if he moved, and I'm very suspicious of this guy when he says he's not going to operate a restaurant whatsoever when he former said he would, I'm not sure this is the operator we want. So I would say if he is going to live up to his obligations and operate a

Country Club, let him do so; but I am totally opposed to this, my neighbors are totally opposed to it, and I suggest that this be turned down and if Mr. DiDonato does not want to operate this Country Club, then we find another operator.

Vice Mayor Kerdyk: Can I ask Mr. Damian a question please?

Mayor Slesnick: Yes.

Vice Mayor Kerdyk: Mr. Damian, you're right, a hundred percent right; the initial blush from this Commission was for him to come back to the immediate neighborhood and talk to you about how he was going to run this café/restaurant, and it was a little bit bigger than what all of us expected as far as that goes. Do you think you could have kept an open mind to his overtures to you if he were to come to you directly and you know, told you and spoke to you about what he planned on doing on that space there?- or was your mind made up and you were definitely opposed to it from that point forward, or was this just a fruitless attempt at reaching out to the neighbors one way or another?

Mr. Damian: Well I'm only one out of sixty. As far as I'm concerned, I've made my views not just on this one, but anytime an intrusion into a neighborhood takes place, I'm opposed to it. Now, would I be willing to speak to Mr. DiDonato?- yes; he called me and asked me to attend the meeting, but I said I would speak to him, I said I would want to compromise, and I have suggested over, and over, and over again, and I don't get why he won't take it. The dining on the west side of the Country Club where there is now an enclosed area, enclosed in that there is a wall and there is shrubbery, and it's a much, much larger area than this, and its outdoors and its beautiful; my granddaughter had her baptism there, it was absolutely gorgeous, and you can set up the tables out there and it would be visible from the outside, but it would be protected, it wouldn't overflow onto North Greenway Drive. Yes, I would compromise with Mr. DiDonato and I've asked him several times, and he always says to that, quote "no" unquote, there is no compromise there. Anything else?

Mayor Slesnick: No thank you.

Mr. Damian: I thank you very much.

Mayor Slesnick: The City Attorney tells me now that we've had the two representatives of both sides that because of the type of hearing that we are in I'm going to ask you all that you are planning to speak if you have turned in cards, to stand and raise your right hand, and the City Clerk will swear you in. Please stand, raise your right hand and the City Clerk will swear you in, if you are going to speak, if you not going to speak you don't need to do this.

City Clerk Foeman: Do you solemnly swear and affirm that the testimony you will offer today is the truth and nothing but the truth?

All: We do.

Mayor Slesnick: Thank you all very much. Its not that we didn't suggest that you weren't going to tell the truth. Ms. Margot Friedman, by the way we are going to use this little device here that's going to show you when your time is up; we don't throw you out when your time is up, we ask you to cooperate with us that when its reled kind of close down your comments, and it would help if you agree with the previous speaker you might just say that you agree, did Margot Friedman, was she able to stay?- she said she might have to leave; she says, *"I may have to leave before my turn to speak, however, I wish our residential serenity to remain and our peace preserved in our historic club and most important to homeowner's and sellers not to be changed, and not for the good, and this area to become a Miracle Mile could be unwelcoming to those who live on the door step so to speak, and of course be known for it. We can't throw quality away for the other. Thank you"*. Mr. Richard Namon. To save time I'll go ahead and give your address, 5555 Oakwood Lane, 33156, it is Coral Gables, Florida.

Mr. Namon: Thank you Mr. Mayor, Vice Mayor, and Commissioners. I would hope that any Commissioner would ask to be recused if they believed that the outcome of the resolution would affect them. Mr. Mayor you responded to my wife's message of support for outside dining with the message that began without her name and it read: *"Thank you for your note, how often do you come up to North Greenway to eat and drink, maybe you can find an open front yard closer to your area"*, signed Don. No matter how present or convincing an argument can be given by any proponent of outside dining, Mr. Mayor, you will not give credence. Your mind is made up because you have a stake in the outcome, you live nearby. Your suggestion, maybe you can find an open front yard closer to your area, says your objection is where it is not what it is. I believe you should recuse yourself on this resolution.

Mayor Slesnick: Thank you.

Mr. Namon: The answer to your comments, we could not come up to eat and drink on North Greenway in the past because we do not joint elite, discriminatory private clubs. As taxpayers it is an insult to all the residents, that to be a member you have to be qualified, have the suitability before you could use this kind of Coral Gables property. The outside dining proposal is modest compared to the sales office use of the property in the 1920's....[inaudible]...I've handed out a postcard picture of the club's palm patio; the bandstand is on the right, the orchestra such as Paul White and Guy Lombardo's. They played for large....of outside diners who drank and danced the night away. Now you want the current management to lift a whole standard of club use than in the 1920's the 30's and the 40's. The new management is asking for an opportunity to get the club back to all Coral Gables residents. We taxpayers are carrying the cost not the few neighbors. Maybe the objecting neighbors would like to buy the property by taking over the mortgage payments, all the liability, and pay back all taxpayers cost for the past ten years, otherwise let the property be used by the public without having to be qualified by a committee of [inaudible].

Mayor Slesnick: Thank you Mr. Namon. In direct response to your request, I will not recuse myself; every vote – every vote I make at this dias affects my life in Coral Gables, every vote. Priscilla Thurer, 1019 Castile Avenue, Coral Gables.

Ms. Thurer: Mr. Mayor, members of the Commission, I will make my comments very brief. I'm opposed to any changes in the zoning laws to allow a commercial venture outside on North Greenway which is a residential area.

Mayor Slesnick: Thank you Ms. Thurer. Roxcy Bolton. Roxcy you didn't put your address down so I can't remember it exactly.

Ms. Bolton: Excuse me.

Mayor Slesnick: You didn't put your address down, so you have to say it.

Ms. Bolton: My name is Roxcy Bolton, I live at 124 Cadima Avenue. I would like to preface my remarks by saying that I think that the developer, Mr. DiDonato, its his way or the highway, that's what I'm seeing and hearing. I'm opposed to anything, changing that green space in front of the Country Club, that belongs to all of us, and for him to have the audacity to want to go in and devover that beautiful green space, I'm categorically opposed to it, he has no regard for those that live on North Greenway; if he would just drive down North Greenway and take a good slow look at those homes that were built in the 20's, wonderful, beautiful homes that are lasting today, and will last another seventy-five years in many cases. That street is very important to this community, it's a district that remains impeccable, the buildings are outstanding, and I'm also opposed to the windows being knocked out in front, does that remain on the agenda that he knocked the windows out for the entrance?

Mayor Slesnick: I don't know.

Ms. Bolton: Could you establish that please sir?

Mayor Slesnick: Certainly.

Ms. Bolton: Those windows are a part of that Country Club like nothing else.

Vice Mayor Kerdyk: I think its part of the restaurant area there.

Ms. Bolton: How are they going to enter?

Mayor Slesnick: I just don't know, we'll have to ask that.

Ms. Bolton: But the windows are very important to preserving the integrity of the Coral Gables Country Club, I'm not trying to stop the developer from doing whatever he is doing, I'm not in love with the Country Club, that's not my concern; the grass out front, the green space and you've been talking about for a couple years the green space, green

space in Coral Gables, then you have to protect this one, it affects you just as anybody else, cars will be all over your front yard in your driveway.

Mayor Slesnick: Thank you Ms. Bolton.

Ms. Bolton: Thank you.

Mayor Slesnick: Thank you. Cathy Swanson-Rivenbark, 3616 Harlano Street, Coral Gables. Welcome Ms. Swanson back, its been too long since she presented here before us.

Ms. Swanson-Rivenbark: But I'm still shopping at Publix and I'm still part of the community, I retired but I didn't leave the City, but I only have three minutes now as a City resident, so I need to be quick.

Mayor Slesnick: We miss you Cathy.

Ms. Swanson-Rivenbark: Thank you sir. I miss Coral Gables too, a great trip to Hollywood though. We live in a great City and it is so important when we have proposals like this that we try to work on bringing community together rather than the rift, we've been through it before, its painful, its difficult and I appreciate the difficult situation you're in. You are in a no-win situation. Either you upset the residents of Greenway that absolutely have a right to this dialogue, or you anger the residents that surround farther that really want to see some new life in the Country Club, and I'm sorry that you are in this predicament. I was involved in the RFP process, I issued it at your request; I was involved in all the public meetings with the residents, with the Country Club owners, with the Country Club members; I cleaned up the Country Club when it was left in disarray, seeing the beautiful newspaper signs that talked about open to the public in 1926. You had me run the evaluation committee, consisting of Parks, Historic, Preservation Planning, Traffic, Property Advisory Board, Budget Advisory Board, Economic Development Board, so we could hear from the public, hear the proposals. You had me call the references myself; you had me talk to the Deputy Mayor of Toronto, you had me call the residential areas, Casa Loma, its in single family neighborhood, you wanted to know what happened with valet, what happened to the residents, what happened and is this the kind of operator that you all want to bank the future of the Country Club on. You all decided yes; you had us negotiate, do the negotiations. I followed the regulatory meetings, not as a resident or as an employee, but as an interested person. I went to the meeting, the 142 member meeting. I love Mr. Damian, but it wasn't quite as aggressive and carnival as he might present, it was great. You had people that agreed, people that disagreed, and they were talking about it. One of the recommendations that the oversight, the evaluation committee came up with was, lets have an oversight committee, whether you appoint them as residents, whether Commission says five residents to oversee this process, not from just a financial, but from an operations standpoint. If you all agree to move forward with this eighteen month test period, you may wish to reduce the hours, so that its till 8 o'clock and not to 10 or 11; you may wish to make sure that they are not standing around because of a concern that it

might become like a Globe type of proceeding, no it won't, but you can make sure it won't; Vice Mayor Kerdyk suggestion that you reduce...

Mayor Slesnick: Ms. Swanson you can take an extra minute.

Ms. Swanson-Rivenbark: One minute thank you – that you reduce the eighteen months to be a sunset and they have to re-up to get past the next procedure. If you want to create an oversight committee and you are looking for residents, I don't live in the area, I think its essential that two or three of them do live in the area, but if you are looking for other residents that would want to listen to monthly reviews, to report back to the Commission on are we meeting the needs, I would be happy to serve, we did it through a variety of other types of processes, and I just think its that important that we look forward to working out a process where the neighbors – all neighbors can work together. So I stand ready to assist. Thank you.

Mayor Slesnick: Thank you and its good to see you again Cathy. George Volsky, 1008 Alhambra Circle.

Mr. Volsky: Mr. Mayor, Commissioners, we are here because of the latest meeting there was a question posed by the Mayor, who wants outside dining and who doesn't, presented a tally I was there so my two neighbors, we would have won on that occasion; someone left glasses here.

Mayor Slesnick: Cathy, are your glasses up here? Thank you.

Mr. Volsky: Mr. Mayor, I am speaking here on behalf of myself and my two neighbors on Granada between North Greenway and Alhambra Circle. We are, I believe, in terms of feet, we are the closest to the place which you are discussing now, but then make no mistake about it, your vote is historic not because of a few tables there, but because of the future of our certain most important and most viable property of the City. The first one as you know is the Biltmore, and we hope that the Mayor will have an open meeting about that problem which is not to be discussed today. And I would say about the Coral Gables Country Club that never in the history of Coral Gables, so many people have placed so much to get so little in return. As you know there was a meeting around the 3<sup>rd</sup>, I agree I was there Mr. DiDonato said that the majority of people supported it...there were some people who didn't put their names...but I think the majority were there, I wish you were there, should have been there to hear the applause, thunderous applause in favor. I understand the question or the objections of the people who live on North Greenway Drive are valid, but this is not a North Greenway Drive issue; the issue is of the entire City; why?- because the future of the Coral Gables Country Club is at stake. Personally, I've lived there for 43 years in my house, which is the closest to the Coral Gables Country Club, and I believe I've lived there longer, I heard my friend say 40 years, I live 43 years there, I have never been inside the Coral Gables Country Club on my own; a few times I have been there I was an invited guest; I want for the first time of my life to be there as a citizen of this City on my own and pay whatever I'm going to pay for coffee or tea or whatever, and I've not been able to do this. Now, speaking of why I believe this is

a citywide issue, because this Commission, this history of this Club is very murky, financial side has never been revealed, and I sometimes delve into the financial issues, but this Commission, I'm not pointing any fingers, this Commission has spent on the Country Club since 2001 ten million dollars (\$10,000,000), what did we get, yes sir, yes sir, you want the data, I have here the data, I have the exact number with the money, where we spent \$650,000 of legal expenses of a law suit, which hasn't even started. Anyhow, what did we get?- we realized that the issue of the Club is dead. There was an RFP which Ms. Swanson shepherd it; any friend of ours in this sector came to help us?- no, it came only someone from Toronto. My last point because again I said Mr. Mayor you allow me one minute. There was something that was brought to me personal hurt. As you recall, all of you recall, in 1983 the west wing of the Coral Gables Country Club was burnt...

Mayor Slesnick: It was 1985.

Mr. Volsky:... '83, '83 – for about 10 years, for about 10 years the carcass of this building was there, on more than three occasions I went myself because I was seeing this every day even I planted a tree so I wouldn't see that, it was so hurting me as a citizen and as a human being. On a number of occasions I came to the City Commission, not this one the other one, complaining about this, not a single member, a single resident of North Greenway Drive came and supported my treaty, they were not interested in that because, even though it affected the lifestyle of there's, lifestyle of mine, and the very fabric and image of City Beautiful, and now all of a sudden lifestyle is for them is an issue, then it wasn't it was much more hurting, much more damage to the City than anything else this eight tables and 25-30-40 seats. I therefore entreat you to approve this on an eighteen month basis and then we'll see, if it doesn't work it will go, if it works people will be satisfied that it is best for the benefit of the City. Thank you.

Mayor Slesnick: Thank you Mr. Volsky, and I just want you to know I'm proud to say that this resident of North Greenway came to office and soon thereafter, joined the other people on this dias to rebuild the west end to correct that problem.

Mr. Volsky: That's true, that was 2001, but between 1983, for the next ten years I was here in this building complaining and none of the people from North Greenway Drive came to say, George, you are right, I was the only one left out complaining, now they come and say, well 20-40 people are going to be affected, not then, then it was worse.

Mayor Slesnick: OK – thank you. Mr. Aldo Busot, 819 North Greenway Drive.

Mr. Busot: Mr. Mayor, Commissioners, for the last 26 years we've lived on both North and South Greenway. When we moved into the Gables many years back there was an expectation of a quality of life and we knew what to expect when we bought onto the Greenways. We knew we would get the errant golf ball that would show up in our yard, we knew we would have to dodge the skaters, bikers, runners, and so forth on the Greenways, but that was something that we knew was going in; but what I think is happening here, is that along the way we've known decided to go into the residents area

and change the usage of property; and quite frankly I think that was an end run I was not aware of, but the use of the building itself has been changed to a commercial use from a Country Club use; and by the way the term Country Club refers to the building, certainly not the functions; this is going to be a "Signature Gardens", this is going to be a place that is totally different than what the marketing side has presented to us, but the bottom line is that we have a quality of life in the Greenways, and expectations when we purchased into this area, and now it is being used for something totally, totally different. There have been many recommendations and many opportunities to move this design to the interior walls, and by the way, I think we are unanimous in the idea that we want this to succeed, but it's "my way or the highway approach" is the wrong way to go. There is ample opportunity to have outdoor dining around the pool area; there is ample opportunity as was mentioned earlier in the patio area that is on the Alhambra side, it has direct access to your kitchen area, that's no problem, and I think that our Lady Tweed would roll over in her grave if she knew that this was being used, that this area that is being proposed, would be used for something other than what she left her money in her trust to be used as a card room in the facility for the Country Club; and as far as the meeting that took place, there was no effort to try to come to terms to try to discuss anything at all with the Greenway neighbors by Mr. DiDonato, and I must compliment you, you have a fantastic marketing staff that does a great job of getting and blasting e-mails and copying e-mails and letters, and so forth to the neighbors, and that's a great job from a marketing standpoint, but again this is a neighborhood that is being affected, and in the same way that I am sure that Mr. Withers would not like a restaurant on the bridge on Hardee Drive, or some of the other areas that we have in the neighborhood, or lets perhaps go into the Water Tower and lets put a nightclub in there, or lets go over to Venetian Pool and lets put a little outdoor dining and a little jazz band in there, that's not going to go over well, that's the same situation we have here. But the key is this is a single family residential area, and it does not have, it should not accommodate a commercial venture with outdoor dining on the Greenway. You can do it within the walls themselves; and as far as the comment that was made about the meeting, it's funny that Mr. Volsky now refers to the clapping or the boisterous side of those who approved. I have been to some sporting events that didn't have that much cheering going on. So I humbly disagree with you Mr. Volsky. Thank you very much. That's all I have to say.

Mayor Slesnick: Thank you. Mr. John Adams, 2705 DeSoto.

Mr. Adams: Mr. Mayor, Commissioners, thank you for letting me say a few words, I'll be very brief. When I first became aware of this issue several months ago, I didn't really think that it affected me very much, and it was one of those things that I would look at and say, well either way is OK with me, but as I thought about it more I realized that it does affect me. For one thing I'm one of those that really enjoys walking and running around the golf course there, and in the evening it is very pleasant, I was there last night, and we spoke among ourselves about how nice it was, and how quiet it was, and what a lovely spot it was at dusk and I don't think it would be the same if there was a happy hour going on over in front of the Country Club. Its true that they are only talking about a small physical space that sound carries, I think its going to affect everybody that walks around that area not just the immediate residents, although perhaps they are more directly

affected, I think everybody in town who uses that as a place to stroll is going to be affected. Secondly, it affects me indirectly because I'm concerned about the precedent as somebody who lives right next door to the Venetian Pool, I don't want to see the sidewalk café there, and I don't know how it could be distinguished if the people who are running that decided that they wanted to do that, I don't see how you could say no to them if you say yes this to this request. Thank you for hearing me. I'm against the measure.

Mayor Slesnick: Thank you very much. Beau Genovese, 647 North Greenway Drive. OK, I guess Beau is not with us right now. He's opposed to outdoor seating and serving beer and liquor on North Greenway. Paige Harper, its Paige A. Harper, from 765 North Greenway Drive, Coral Gables.

Ms. Harper: Hi gentlemen and lady. I live one block away from the Coral Gables Country Club, and maybe I represent a slightly different dynamic here, because I am a mother of two small children, two and four, and have lived here for five years. I didn't move next to the Biltmore, I would have known what I was getting into if I moved next to the Biltmore. I moved next to the Country Club, and I really love living here, it's a beautiful place, I'd like to keep it that way. I have concerns about traffic; there's been some traffic accidents or some speeding traffic in my front yard which makes me very nervous about having my small children play in the front. Also I have some issues about the noise; I can hear people walking by my front sidewalk literally, and having an open air dining area that serves alcohol, I think it's going to make that problem much worse, and I'm objecting to that. Also definite crime, I don't like the fact that alcohol is going to be served outside. I also like to note for the record that when all the information was sent out by the City there wasn't a lot of mention, or I don't think there was any mention of alcohol beverages being served, and I thought that was a little bit confusing. I also found that the letter that was sent out by the City was confusing, and I'm a lawyer and I went to law school, so I'm pretty good at reading things, but I did find that a bit confusing and I find that objectionable as well, and I would also like to note for the record, I did go to that neighborhood meeting, and the way it was presented was sort of an all or nothing proposition that we were not going to get the restaurant inside the facility unless you got the outdoor element to it, which he represented to be five percent of the business. I find that surprising or perhaps disingenuous because if you can't have that five percent of the business there would be no indoor dining part; I find that very strange. I do strongly object to it, and I would also say with respect to the residents that were there, an overwhelming majority of the people who are against the measure were residents of North Greenway and South Greenway that would be directly affected, most directly affected by this proposition; and the people that were more in favor of it – the further away they were the more in favor they were, which I can understand that, but as a mother with two small children I do not want to have the Globe a block away from my house. So I would respectfully ask you to oppose this and not pass it. Thank you very much.

Mayor Slesnick: Thank you. Gaston Artois, 641 North Greenway.

Mr. Artois: Mr. Mayor, Commissioners, I am recently a newcomer in Coral Gables and I'm completely opposing this project, and the reason why I'm afraid that we are going to create another Coconut Grove here, another new Green Café or Café de Paris, you know, it's a showcase; at night they are going to come with their... show them off, Ferraris, Porches, that's what I expect in the future of North Greenway if this happens. Nevertheless I would appreciate to have a restaurant in the neighborhood if they had another way of doing it, but not with the café exposure to the golf course. I don't see it happening Mr. Mayor. Thank you very much.

Mayor Slesnick: Thank you Gaston. Graham Groves, 1261 North Greenway. OK, Graham left, he says he opposes ingress and egress into outside seating will create a dangerous pedestrian and traffic situation. Dr. Richard Polo, 647 Almeria.

Dr. Polo: I am one of those who are for this outdoor café. I think that people forget that the club operated that way since the 1920's, and in fact the property values of those who live in North Greenway and South Greenway increased, I think, through the years because of the existence of the Country Club. Certainly I would like it to be a Country Club, but that's obviously not in the cards, we have a good proposal here. I'm one of those who sent you an e-mail, simply because I agreed with everything that was in the letter, I went ahead and included the letter, I should have written one of my own, so that you would know how strongly I feel in favor of this proposal. I think that because of my vast experience with the Country Club with the wonderful facility and activities that we had there, I support it, I don't think the noise is going to be a problem; most of those who live on North Greenway obviously have the mandated strong windows and are not going to hear the noise anyway. I don't understand the nature of the position from those who live there. Since I don't live there, I guess that I might feel differently but I don't think so. I think this is a wonderful opportunity, I think we ought to go forward, I think we ought to stop thinking that we know better how to run the business than the people that we have chosen very carefully. I think it will be wonderful to be able to go over there, sit down, have a different menu than Burger Bob's; this is going to be compatible and provide a little bit different environment than Burger Bob's. So please pass this measure, if it's a vote that we have to have, but let's let Mr. DiDonato run this the way he knows how to do it, and it will be a great success. Thank you.

Mayor Slesnick: We have a card from former Mayor George Corrigan, 1228 South Greenway Drive, he was not able to stay, but he says I object to a commercial eatery at residential North Greenway Drive. Rip Holmes, 920 Sevilla, No. 206, Coral Gables.

Mr. Holmes: Hi Mayor, Commissioners thank you for giving me the chance to say a couple of things. I think that Commissioner Kerdyk's initial discussion and yours Mayor, of what is in the existing lease is important. It appears from what City Attorney Hernandez has said that Liberty Entertainment Group is bound by contract now to provide a restaurant irregardless of whether there is outdoor dining allowed. That may have been not correctly presented by Mr. DiDonato. On the part of Mr. Damian, I didn't know – he keep saying pizza and beer, I think that's also unfair to the other side here. If you all have not had the world's first pizza ever made, it's done in a special oven, and

that's what he's trying to do, its called an Napoliciano pizza, its super thin crust, it is a different orbit, a different pizza than you had before. He has the world's first pizza that he is trying to give us, its just not pizza and beer. It's the best pizza I ever had in my life, regular pizza just doesn't compare. I see the specter of the recession hanging over all of us, and hanging particularly over Liberty Entertainment Group, and I think its one of the reasons they are desperate to get the outside connection to the public; but I share the reservations of those who say this is a residential neighborhood, and ultimately outdoor dining on North Greenway Drive threatens the integrity of the residential neighborhood. That's why I proposed that this be allowed, and I appreciate the comments of Ms. Swanson, because we have to remember that this fellow has a bottom line, he can't afford to go bankrupt over this thing; I propose that we allow it on a temporary basis, and with the understanding that once he is able to get his clientele established, so that he can survive, that this gets tapered down to a very limited outdoor dining situation which only occurs a few times a year ultimately, but at the beginning he gets everything he wants, and then as he establishes himself it gets reduced, reduced, reduced. I thank you for listening. I urge people to retain flexibility here; the amount of people's ignorance on this sometimes outweighs my own; I mean, I grew up next to it, I know nothing about the Country Club, I have to get educated by former Mayors, there is so much we don't know. So I urge Mr. DiDonato to hang in there, there is so much of a learning curve here, lets not get at each other's throats, lets recognize both parties need each other to survive, experience the process if you have to; say revisit this come back in two months – three months; there is a lot of learning curve here, don't give up on each other. We need each other.

Mayor Slesnick: Dr. Arthur Sokoloff, 717 North Greenway.

Dr. Sokoloff: Thank you for allowing me to speak; I have a few things to say. I'm probably the oldest one here; if you recall the Biltmore Hotel that beautiful building, it was an Army Air Force hospital during World War II. I was in the Army Air Force first in World War II, I was injured and when I woke up I was in the Biltmore Hotel. At that time, which was 1944, I decided to spend the rest of my life here because I had never in my life seen any area so beautiful, and that's why I have been living on North Greenway Drive. I think we set a record there too, I live at 717 for 53 years, and we love the area and we want to keep it the way it is. However, there are a few things that must be discussed and one of them has to do with life and death. We live at North Greenway Drive not North Greenway Street and there is a South Greenway Drive, not South Greenway Street. Coral Way is a street, Eighth Street is a street, and the difference is a street allows automobiles to drive in two directions at the same time with adequate room. The streets on the other hand which are larger than drives allow for a certain amount of safety. Coral Gables Drive is a different thing, it is much narrower and two cars trying to pass is difficult, and just a few years ago a woman got killed from a few houses from where we live, she was jogging along there and two cars were trying to pass each other, and she was killed there. If we open up the traffic and we get a whole bunch of traffic going down North Greenway Drive, no one will be safe for the runners, the walkers, the joggers, the bicyclists, the pretty girls walking dogs, it will not be safe for them, in fact its dangerous; and therefore I do not think we should allow a place there because the traffic

is more than that street can handle, and we are not going to enlarge it anymore and get more parking room and things like that, especially in the evenings when it starts to get dark, there will be people walking and...their lives would be in danger. Another thing I want to bring up is this, there is a special atmosphere in the golf course, and I have heard that this is based in the evenings, especially Saturday night maybe up to 11 o'clock, they are going to have beer and wine and hard liquor and smoking and pizzas; and then in my younger years I stayed at places like that on Saturday night, it was called a pizza joint. Its not a complimentary thing, but in essence that's what it is. If we are going to have a place that's outdoor have alcoholic beverages, people smoking, and so forth and we know it will not be safe traffic will be difficult there and it could result in such things as death.

Mayor Slesnick: Thank you. Jose "Joe" Figueras, 3003 DeSoto Boulevard. He has left he did not list whether he is opposed or for, he just turned in his name. Russ Borden, 835 North Greenway Drive, Coral Gables.

Mr. Borden: Thanks Mr. Mayor for the opportunity to speak. I'd just like to say, I went to the meeting right down the street from my house the other night, and as Mr. Kerdyk asked I did go with an open mind, and did not feel and understand why at the time a lot of people were opposed to just a few tables outside; and what I found out at the meeting that its just not a few tables outside, it is what he wants to have as his front entrance to the west lawn and a sign for that matter to draw people in. I started thinking about all of the things that come along with an entrance to a commercial restaurant and started thinking that, that's absolutely not the place to put it, its right across the street. I think...he is asking for a zoning change, and the zoning has been a part of our City is to protect all citizens of our City. Yes, it affects me more than anybody else, I'm only three houses down, but if I was on DeSoto or Granada or Asturia and somebody wanted to put a Starbucks or a restaurant next to my front door, then I would rely on the Building Code and the zoning laws and the building code to protect my interest. I'm asking you to do the same for us, for the few of us that may be more affected than anybody else in the City, that those zoning codes are there to protect everyone. So I ask you to uphold our zoning laws. Thank you.

Mayor Slesnick: Haydee Polo, 443 Aragon.

Ms. Polo: Hello, I'm here to speak in favor of allowing the outdoor seating for the cafe fronting Alhambra, I want to make that very specific. I think that we need a place to have an open door to the community for us to meet as neighbors for a meal or to get together for activities. But one thing that really has struck me is that I resent being told that my opinion doesn't count. I resent being told that I'm not a neighbor, I resent being told that I am an outsider and that I don't belong, and those were being said the other night at the meeting, basically implying that because I am not a neighbor of the Greenways that I am not a neighbor. I am a resident, I am a neighbor and I am a taxpayer, and we have been supporting as taxpayers this Country Club's past two failures already, and what I'm asking you is that you give this new business plan an opportunity to succeed. We need to be able to have a Country Club that meets many different needs; different people need it for events, for big events or for small events, or as café, or the gym, or the pool, but we

need the place open and we need it to succeed, and we think or the owner, or the new operator believes that this is a lynch-pin for his success, and ask you that you give him that opportunity to succeed. We've already voted for him, we are on the verge of opening, and as a neighbor I would like to see it open and operating.

Mayor Slesnick: Thank you – thank you Haydee. Pippa – is it, Pippa I'm sorry, you wrote your name so small underneath country club; your last name is?

Ms. Mille: Milne.

Mayor Slesnick: Milne – right I've seen your e-mail so I knew – 1244 Sorolla Avenue, Coral Gables.

Ms. Milne: Yes, I am in favor of the outdoor seating; I live on Sorolla Avenue, so I am not on the Greenway neighborhood, but I take issue with the definition of neighborhood because the Country Club serves all of the residents and I feel that I'm in that neighborhood even though I'm not on the immediate street. The Country Club is a failed commercial venture, I think we should give this an opportunity to be a successful commercial venture. I don't see that it is incompatible with the original use of the club, and if the Country Club were operating and successful I don't think the traffic situation would be any different to the new situation, so I don't think traffic is an issue, but the Country Club is there to serve the community and we are the community, even if we don't live on North Greenway or South Greenway, and given that Mr. DiDonato has offered to do this on a trial basis, I don't see what you would have to lose by that, and I urge you to approve this. Thank you.

Mayor Slesnick: Thank you. Mr. Dan May, 808 Majorca.

Mr. May: Good morning everybody, I'm here again, yet again. My story is the part that I want to start with here, I don't believe was covered by other people, so I will go ahead and spread it out. The story started back in February or March and I was looking for a parking plan. Somewhere or another...slip and sliding...hiding, no parking plan, so I will have to start with my own view of the discussion. First problem we have here; the club has been in business for umpteen years, and it always operates out of the back door. I mean, I've only been around for slightly less of forty years and it always operated out of the back door, and I understand it before then. Now, the new deal is we are trying to put two restaurants in the front of the club, right by the front door, so what that's going to do that's going to change the movement of people. There are going to be a lot of people that will slip in and slip out the front door, in fact in every restaurant a person will want to slip in and out, and we are giving them an opportunity to do that because we are encouraging them on the weekend to use the valet system; you have a valet right at the front door, so we are going to have people going in and out the front door with all that traffic out here in the front. Now the valet people go in and out, what are the other people are the dropping off people, they are going to try the same thing. So the line of cars to the extreme north going west is going to be valet cars; the next line south is going to be drop off cars; so drive up cars, drive through, drop off people four-five people; so you have

valet people walking in, we got the first line of people walking in; the third line of cars is going to be the people going the other way making the drop off. There are going to be three lines to get people into the restaurant; the fourth lane will have to be used for locals that are not coming to the club they can hustle you got one lane two lanes slip into the other line. So we got to remember this is a new deal to have people in the club that are coming out the front door. Now get them out the front, now we got these four out of four lines of cars, with traffic out here, we got room for four lanes, we have three being used by the club, and one by the locals. Now that takes care of all the east and west except for the foot traffic. Now when you start stacking the sidewalk full of people getting out of three lines of cars that's going to kind of stop the sidewalk up a little bit. So the normal east/west traffic of the locals, that travel on the sidewalk, the runners, got to keep moving...in the street, everybody else will follow. So we'll have the local traffic, the local foot traffic will be intermixed with the car traffic. So that's basically what we'll have for the east/west. Now with the door being open, the club, the restaurant being right at the front door, people will say, why don't we just self park, and so if they could park on Granada, on the west side of Granada, then you have those covered by foot like a bunch of ants, they will be coming from the west side of Granada crossing Granada, crossing through North Greenway onto the sidewalk. Other people will park on the east side of Granada past Burger Bob's, going on past the club going up the street, there are three lanes of cars there, wiggle through the cars get on over to the side and then you have the other people, the final place would be open for parking, improper but its not outlawed in any of our books here, we have...people park in the coconut trees; you park in the coconut trees and you walk, you come at an angle, click, click, click across North Greenway, take about 80 feet to North Greenway to make the angle to get up the sidewalk. Now at that point you got people coming from seven ways to get to the sidewalk; where are they going to go?- they all going to go to the front door. So what are you going to do at the front door?- that's a good place to have a que, and if you are going have tables on the left, or more than likely tables on the right, will be in the restaurant, so people would just stand there in that line; the line will have a outdoor que, beautiful weather and then when they call out the table number six is empty the Jones party, cut to the right off the sidewalk cut through the bushes have a meal, and then come back to the bushes and go and park; there is going to be a good deal, you'll have so much private parking, individual parking that's going to be totally new to the scene, and we are going to crowd people in that part of the Greenway and that's what's going to be a problem to the neighborhood more than anything else, the streets are going to be blocked. Thank you.

Mayor Slesnick: Thank you Mr. May. Helen Holly Richards was here, she had to leave, 625 North Greenway Drive; she is opposed, she said I am not in favor of the plan for outside food service at the Country Club on North Greenway. If in fact such a plan is approved, then I hope that the City would consider putting road bumps on North Greenway to provide slower traffic and therefore protection for the many joggers, runners, baby strollers, etc. which might increase due to the new "attraction". Mr. Patrick Alexander, 713 Minorca.

Mr. Alexander: Mr. Mayor, Commissioners, the reason I moved to Minorca Avenue 25 years ago was because I fell in love with Coral Gables partly because it's a village atmosphere, it's a neighborhood, and you can walk. I walk to Books and Books, I walked through this morning, and I would like to walk to a café nearby to meet my friends and my neighbors there. If I want to go and drive to a jazz club, I think somebody mentioned about happy hour, then I can go and drive to the Grove or anywhere else in the City, there is certainly no shortage of wonderful restaurants, but to be able to walk to a neighborhood café that's something that's unique. Before moving to Minorca Avenue, I lived on South Greenway Drive, and the concept of privacy or way of life there, I learned is quite impossible, everyday not only are people looking for their golf balls, but they are jogging and the attractive young ladies with their babies, you get it all, and its wonderful, and its vibrant, but its certainly isn't private, and its certainly not going to be affected by a few outdoor seats at the café. I do understand that the neighborhood could be affected if Mr. DiDonato is as successful as we all hope he would be because in running a Country Club with varied events that is going to increase traffic, and that is something that needs to be discussed; but the outdoor seating will have no effect on traffic, all it will do is enhance the quality of life of people who live in the neighborhood; and finally I would like to say for the record that I know that Mr. Slesnick as a private citizen feels strongly, he's been very forthright and open in his opposition to the café, and I very much respect him for that, but as Mayor he has made this very open to the community and I am very impressed by the response of the community, and I'd like to thank you Mr. Mayor for doing that.

Mayor Slesnick: Thank you Patrick. Thank you. Mr. Enrique Lopez, 1312 Sorolla.

Mr. Lopez: Good afternoon Mayor, Commissioners, City Manager, City Attorney, City Clerk. I just want for the record, references have been made for the last few months as to elite and discriminatory club; at least from my perspective I want to go on the record that for the past 23 years that I lived in this great City, I've never felt discriminated, and never seen the Country Club members who did pay as elitist, so I appreciate the search for this focus on this effort, however, it is not one that I share. Also, in reference to a derelict building, City Manager staff advises me that we do pay for electricity, we do pay for air conditioning, they have repaired that facility; roofing and many things, so I will not refer to it as a derelict building. Having said that, I believe that the Commission and the City Manager today are supporting a building or have voted based on incomplete and incorrect information, and I say why? The Planning Department and the City Manager Assistants fell short from the onset. Number one, your task as staff was to have a neighborhood meeting that was for the impacted neighbors, they totally missed the point, it was not. It was so well marketed that it attracted desiring residents from as far as South Miami, Brickell Avenue, and Hollywood, Florida in Broward County. So the staff can look at the list and see the residents that I'm talking about, there were non Gables residents. Ironically I was questioned by staff as to how I received the letter, the October 26<sup>th</sup> letter, when I basically do live within the City, within 1100 feet of the property, not miles away, not in another county. In the documented words of public input No. 17, in Exhibit "H", that we all have, quote: "the applicant presentation was well done and respectfully received by the citizens of Coral Gables. The decorum rapidly deteriorated as residents and citizens and applicant engaged in heated debate; and this is from a person, although I

was originally in favor of the proposal, I am concerned about the rift between applicant and neighbors, bad for business, and bad for the neighborhood, bad for the community. The number of tables that we discussed – there are three sets of numbers as we speak, the Manager's office, the Manager Assistants and staff I will say, have the e-mail that today has been answered with a number, but there are two other sets. The traffic impact study, and I know the Planning Department will tell me its illegal use, and great; bottom line is Mr. Riel, the issue Country Club setting is very different than a restaurant; Country Club setting is very different from a bar where you have transient communities and where basically you have...tables, etc., etc., etc. This City, this staff, we sent to the City Manager, it was not his doing, and to this Commission basically facts that date back to 2002 January Traffic Impact Study. Parking problems dates back to 2002, my fellow resident Mr. May, just basically highlighted some of the real issues; but what I am telling you is that we only have 124 parking lots in the facility, in which 202 include lots behind City Hall and various others. I can just picture a very nice North Greenway speedway. Total capacity remains unknown; Planning and Zoning hearing talked about 600-800; I heard the applicant today talk about 1,000. I can just picture it – Hummer limos, stretch limos, Firaries, Mazarati, it is the Gables, everybody would want to go to it. Outdoor dining equates to bottom line smoking; this is a smoking area, that's the whole purpose of this; make no mistake, this is not about panini, gelatos, salads, desert and community; its about liquor and smoking; and very much of a club scene, the applicant governs in Toronto, Ontario, in the entertainment district; outdoor dining in residential areas is not part of the Charrette; I read the 113 pages of the Charrette. Mr. Kerdyk you are to be commended; two of the highlights of that, transportation and open spaces have been your claim to fame and your leadership; however, part of the Charrette was not to encroach, have businesses encroach in residential areas. In summary, the City has done enough for this applicant; we voted whereas we have financial problems, we cannot sacrifice our quality of life. Outside dining does not have a place in our community, based on what is happening this has the makings of a "Signature Gardens" in Kendall, with a touch of the Globe; the difference is the Globe is in the right district, it's a business district; Signature Gardens never encroach in any residential. For the record, I'd like to present the various e-mails that I got a response from, from staff on various issues, and also a little bit of background on the King-Spadina which is well known in Toronto's entertainment district, for the many issues that for years, he is right, that he has faced these many issues and that all club owners in that area so that some of our fellow neighbors can have a taste of what he would like to bring some of these things into our neighborhood. Thank you Mr. Mayor, Commissioners.

Mayor Slesnick: Thank you. Nadia Mishkovsky, 1101 Castile.

Ms. Mishkovsky: Mayor, Counsel members, hello, I have to tell you that I'm guilty of writing a rote e-mail, and of sharing it with my friends and encouraging them to send it along with any changes that they wanted to make because I had spent a considerable amount of time coming up with some points that I thought were very important; points about walkability and smart growth, which I think the City is aware and a national model and, points about community building, points about City owned property being used for the City by the taxpayers; these are very important points to me, and I shared it with my

friends and invited them to communicate with you as members of this community; I am not a member of any organization, I am a member of this community, and I think its ironic that in participating in a democratic process in a very ordinary way, I couldn't figure out any other way to make a petition, I received an e-mail back from the Mayor saying suspiciously, who wrote this e-mail for you?- and I'm hearing all about marketing campaigns, very suspicious and I'd just like to take issue with that, I don't think its appropriate and I think it puts the Mayor's behavior in bad light frankly, it sounds very, very personal, and very petty. I would like to be able to walk to the Country Club to enjoy a family atmosphere in an affordable environment. I've never been a member of the Country Club, and I like to walk places, I like to walk downtown, and I would like to be able to participate in this public amenity. In terms of noise, I used to live on Obispo and Granada, and routinely hear loud thumping music in the evenings from private parties that were...as far as I know, I don't know if that's going to change, I don't really know what the threat is; I'm sure that the members of North Greenway and South Greenway association, if there is such a thing, have also heard the loud thumping music, and I don't really know how a few tables outside with normal conversation are going to be a worse threat. In addition, regarding the transportation issue that everyone keeps talking about, I think at the very beginning, we heard that those have already been approved, the number of tables and seats have already been decided, so really that is a non-issue, if you'd like to improve the transportation, I would encourage us to consider cross-walks across Granada Boulevard, that could actually be an amenity as well for the hikers, and bikers, and strollers, and what have you; but I really think that this is getting out-of-hand, its just a neighborhood resource. Thank you.

Mayor Slesnick: Thank you. On that note we are closing the public hearing, there are no more speakers, before we come back to discuss this we will take a seven minute stretch break. After this, just to announce we are going to go to the Comp Plan amendment trilogy or quadruple 3, 4, 5, and 6, and then E-8 immediately following that, and then go back to the regular order of our agenda. The City Manager has asked that we give him a moment before we start to deliberate.

City Manager Salerno: Thank you Mayor. Before the Commission deliberates on this item, I need to correct the record that the statement made by the first speaker this morning that Mr. DiDonato gave a letter to staff to send out, that did not happen, nor did Mr. DiDonato have any input into the Planning Department's letter. That's all I have Mayor.

Mayor Slesnick: With that I'd ask if there is a motion?

Commissioner Withers: I'll move in favor of it.

Mayor Slesnick: That's what I'm asking for.

Commissioner Anderson: I'll second it.

Mayor Slesnick: Mr. Withers moves and Ms. Anderson seconds. Any comments?

Vice Mayor Kerdyk: So in favor of this, is the café plus the restaurant area, right?

Mayor Slesnick: Any comments anybody?

Commissioner Anderson: Actually I'd like to make a side comment not related to this at all. The Guiteras family who owns the Globe they are really wonderful people, one of them is a resident of North Greenway, and the other the parents are right across the street on Granada and the other son is on 800 Coral Way; wonderful long standing residents of Coral Gables who run a really nice operation in the area where its at, and I thank them.

Vice Mayor Kerdyk: Let me just go ahead and say a couple things.

Mayor Slesnick: Go ahead.

Vice Mayor Kerdyk: First of all, I'm having a very difficult time with this, I'm struggling with this issue, probably like none....well I can't say none that I've never had before because we've had some pretty tough issues up here, very, very tough issues up here. This neighborhood – the neighbor versus the neighbors are always most difficult and just a side bar, when I'm talking to people and they say how do you like serving as a City Commissioner?- I always say great, but when you are closest to the people its sometimes most difficult because you're right, you have these neighbors versus neighbors issues, and this is certainly one of them. This is a very difficult issue from the standpoint that we have in our City a Zoning Code that really segregates the commercial to certain locations where you have outdoor dining in those areas, and this Commission has been very, very aggressive in trying to encourage those outdoor dining facilities in those specific locations; here what we are doing is certainly having a commercial Country Club, and I would be the first one to acknowledge it is a commercial Country Club, and the people around there understand it is a commercial Country Club, but we have really never had a component where we have outdoor dining in front on the street level of a facility like this, and so whatever we do that is going to conflict or be a positive, which ever way you are looking at it, with the residents that surround this location. Where I'm having the difficult issue is of course, the restaurant component to me is an outdoor, is a "no-go". The fact of having a restaurant component in front of the facility to me is a non-starter, the issue is that anybody that wants to go into the restaurant and sit outside, they can certainly go out to the pool deck which we did encourage outdoor dining at, and the pool deck is one that we could...people could sit outside and enjoy the outside environment in front of that, and I'm sure that Nick is going to enhance that location there. So to me that's a non-starter, that's ten tables, how many tables is it that we are talking about that we are talking about?

City Manager Salerno: Eight in the café, I believe its eight in the café and twelve as currently proposed in the restaurant.

Vice Mayor Kerdyk: So that's it. The more pressing question is what are we going to do with the café portion of this?- and that's where the quandary is; I cannot support a café

there that is going to have an environment that serves alcohol or is late at night and will affect the quality of life for the residents surrounding, because basically North and South Greenway whether the residents like it or not is a very public area. The one bit of solitude that the residents of North and South Greenway get is at nighttime when they come home, 6 or 7 o'clock, the skaters, the riders, the walkers, the joggers, the golfers all go home and everybody goes back to their bit of solitude there and they feel good about themselves and then it starts all again next morning, but that basically is the component there. So realistically, the only thing I could ever consider, is if I consider anything is, a café that serves lattes and close at a very specific time and put all sorts of guidelines on there, but I could never, never support what is being proposed there, which is a café that goes till 8 or 9 o'clock, and serves alcohol and other drinks of that kind.

Commissioner Withers: I'll take a bite at this. Obviously, we know where its going to end up and don't even know why, and I don't mean wasting my breath as a negative thing, but I think people get just as drunk sitting inside as they can outside, so I think that argument is weak, no I mean that Country Club has two or three bars in there for a long time...

Vice Mayor Kerdyk: But they contain themselves inside...

Commissioner Withers: But they still get out of their cars and drive down the neighborhoods and can still hit kids on the street, and they can still cause the same issues, so drinking inside versus outside, I don't accept that argument. Smoking obviously we can regulate if we want smoking there. I really think the real argument here is that these folks in the neighborhood, whether you have a restaurant inside, whether you have a restaurant outside they don't want the traffic, they don't want the people coming to enjoy this Country Club in the numbers that I think this Country Club can attract, I think its as simple as that. So I don't know if people are systematically upset that people are going to sit in a nice landscaped area in the front eating pizza or drinking lattes, or anything like that, I don't think that's the issue; I don't think anyone here said they opposed people eating outside, I didn't hear one person say we oppose people eating outside; they are opposed to traffic and the things that the Country Club may bring. Now, let's not forget probably conservatively you have 500 or 600 people a day playing golf and tennis there, that go in and out that area, so its not like it's a pristine private area, it's a commercial area, you have a golf course, you have Burger Bob's, you have a tennis court, you have loads of people going in and out of there on a regular basis, but more importantly...

Vice Mayor Kerdyk: Golf is during the day.

Commissioner Withers: OK, granted, I'm not saying...I think the biggest issue here is the people are concerned about the hours of 3 o'clock to 6 o'clock, just from reading the e-mails and just trying to read between the lines, there is a huge concern with the bikers and the roller-bladers and the strollers and the walkers, people aren't out walking their kids on the sidewalk at 8 or 9 o'clock at night. I think the concern is the traffic and the people outside and Mr. Damian's beer and liquor event that's going to take place, which I think is absolutely absurd, but regardless, we are here today because the past two models of

this Country Club failed and failed miserably, that's the only reason we are here today. If it wasn't as a result of that the Country Club would be thriving. The old Country Club would be thriving, Stuart Bornstein's opportunity would be thriving, but the model does not work. We admitted the model did not work, we discussed it when Cathy put out her RFP, we asked her two things; we asked her someone with a new vision, a fresh look and we asked her someone that would bring community into the picture. This operator has done both of those. The Country Club is a cold ugly building; I'm sorry you historic preservation people, it has a beautiful front, the back of it is like the back of any other building that has banquets, Signature Gardens, I heard the back of the building is obviously nothing beautiful to look at. The pool area – people aren't going to sit outside eating while people are splashing in the pool, I disagree with you people, they are not going to want to sit there and eat lunch out by the pool, an afternoon out by the pool, and people in there swimming and have coconut oil all over them, I just don't think that's going to happen. I don't...that's how I feel, people aren't going to eat there, they are not going to eat by the pool...

Vice Mayor Kerdyk: You don't think they are going to eat by the pool?

Commissioner Withers: I really don't think that...listen, some people might eat there, yes absolutely some people might eat there, but I'm just saying as far as the use of the café, I don't think people are going...as you go into a café and as you travel, and you have travelled all throughout the world, you know, you either go into a restaurant to sit down and eat, or you go into a café to meet somebody for fifteen minutes-thirty minutes, you have something quick and out.

Vice Mayor Kerdyk: So your analogy is they are going to sit outside with the emission of fumes and everything instead of going inside, that's ridiculous, I mean....

Commissioner Withers: As far as you know, we had every single City Board vote in favor of this with the exception of the Historic Preservation Board, and their issue was they did not want a permanent wall around the front of the building, they were happy with landscaping, that was the only reason that they had any discussion at all. We had almost 60 – 35% people in favor of this, and these are neighbors; and yes, there are people that are affected more than anybody else, but I don't think any of us feels that a neighbor in South Gables is any more important than a neighbor in the North Gables, and I don't think any of us feel that a neighbor's desire on North Greenway is any less important than a neighbor's desire on Sorollo. So I don't think it's fair to franchise the Greenway neighbors as the ones that have the most influence. It's not in my own backyard mentality, and I know I am upsetting some people, but that's what it is, and you know what?- if I lived on Greenway I would probably have the same attitude. The last thing I want to say; again I've been on this Commission and we've had four or five issues where there have been some very, very close votes, and it's either been 50/50 or 60/40; and this Commission has made decisions, now this Commission and previous Commissions, and everyone of those votes have been successful, and the Rouse property is one of them, and it was probably 50/50 on that vote; Doctor's Hospital – when Mayor Corrigan was here, it was a very tight vote, and I don't know that Doctor's Hospital has

caused any insurrection in the neighborhood that we thought; the University was going to destroy the neighborhood, I don't think the University of Miami has destroyed the neighborhood. St. Phillips was supposed to be something that was going to destroy the neighborhood; these Commissions voted on those close issues and I think they supported those issues, and every single time it was a close vote 50/50 – 60/40, the Commission has made the right decision. Obviously, you are not for the permanent dining and café, but I certainly urge you and Don that we have an operator in here that is investing time and money, we asked them and invited them to come here, we asked them to be novel with an idea, we asked them to invite community, and they have come up with what they feel is a workable solution and we are basically slamming the door on them. So I think its only appropriate that we give them at least an opportunity to see if this causes a neighborhood issue; we don't even know, its all speculation at this point. We have no clue whether fourteen tables or ten tables or outside dining is going to cause any issue whatsoever, we don't know yet, and yet we are going to say no? I just think its short-sighted, and I think its very important that we at least take the opportunity to give this operator a chance.

Commissioner Anderson: I'll throw in my two cents.

Commissioner Withers: I didn't mean to turn my back to you; I didn't mean not to talk to you all, these are the folks I have to convince up here, not you so I apologize.

Commissioner Anderson: Everything you said I support, although I think we vetted a very fine operator who has a sensitivity to not only about professionalism in his own trade, but a sensitivity to neighborhood issues. The Country Club is the taxpayers all Coral Gables has an interest in the success of it, and I certainly have a sensitivity to all who live in the vicinity, but we are carrying that Country Club at \$10,000 a month and we have an operator who is willing to put money into it and we are going to be getting a rent of \$20,000 a month at some point, and then probably later on. I just don't see the need, that's my opinion only, to second guess an operator who is asking for a trial period, a very fine operator; and we can put as many controls as we want on it, times of operations; there is no music anyway I believe on the outside, and if it doesn't work at the end of eighteen months we put parameters, we put in oversight, its worth at least a try, I mean, the past models haven't worked. When it was a closed Country Club it didn't work after the last incarnation didn't work; this person is proposing a model that has a chance, and it's a very discrete model, it's trying to work with the neighborhood, and it trying to just to make it work, he is making significant investment and I think, that would be my hope that we could give it a trial, but let's see what happens.

Mayor Slesnick: First of all let me address some of the things that were raised and that is this is taxpayer's property, everybody is paying for it, we pay for all taxpayer's property everywhere in the City, whether we live near it or use it or not. All of us help contribute to the Youth Center whether we have children or not, and all of us contribute to the parks whether they are in our neighborhood or not; there is taxpayer's property everywhere; we all contribute to the operation of Granada Golf Course whether we play on it or not; we all contribute to the upkeep of the meetings and the major streets on Country Club Prada whether we ever walk on it or not, I mean, we contribute to lots of things that doesn't

impact us directly but we do it and we try to make the best of it and try to make if it can return a profit to do so for the citizens. All of us, at least the four of us sitting here, and I believe Commissioner Cabrera, I believe it was unanimously approved or agreed that the last operator didn't work, I don't even think we had to agree, he left; after a good bit of discussion, so we agreed, I don't know if the model didn't work, but he certainly left the building and we had to find someone new. After 80 years the private club didn't work and we had to move on to a different situation, and people seem to keep on forgetting they may not have gone there, but the restaurant was open to the public during the Stuart Bornstein years, that was part of our agreement with him. So that was a changed model from the very onset, from the old model; so it changed once, changed twice and then it was left in our lap, and we did reach out to operators, but we didn't go out seeking Mr. DiDonato. We sought through an open bid process anyone, and Mr. DiDonato was in fact the one who rose to the top of the process, in fact he was the only qualified bidder and we embraced him warmly, and I want to say right now that I am not making any of my comments in conjunction with any personal feelings I have toward Mr. DiDonato in the sense that I am one who voted to bring him here and voted to ask him to run the club, and so forth. From the very outset, my comments about outside dining on North Greenway were very clear from the time we discussed the lease until the time we started voting on proposed changes. Chip the only thing I think that you maybe didn't quite catch and I think I heard many of the neighbors say that they did in fact oppose the outside dining in front of the club, it wasn't just the traffic, and so forth; they oppose people sitting on their street and dining and drinking and eating, they are still here, they can correct me if I'm wrong. By the way as a resident of North Greenway and living close to the club and as I responded to some of the people who wrote to me, we are prepared, we've always lived with the Country Club, we've always lived with the large catering parties, if anyone doesn't understand the catering is what has kept the club afloat during any of the thin years and during the challenging years, and if it didn't succeed its because the catering failed, I mean, the club never made it on the club dues, or never made it on the club usage, it made it on the catering, it's the biggest piece of a change that the club can lean on, and we realize if Mr. DiDonato is successful he will attract many people to catered events, and that will be how the club will support itself financially through most part of it, it won't be through memberships and the gym or tennis players, it will be through the large banquets and weddings and dinner parties, and the neighborhood should be prepared, if they are not they need to be, they should be prepared for the traffic and for the parking that's caused by that. I was looked at as a hero in many neighborhoods when I stood up, and again I am focusing on myself because these are my comments, but the fact of the matter is that most people on the dias stood up with me on these things, so I am not excluding them, they and I worked in collaboration on these. When I stood up against the Publix expansion at Manza because that neighborhood was opposed to it, even though many of the people in the City wanted a better Publix, and in fact I heard from some of those people they said, don't make the same mistake you did with the Publix, so let me re-bow to the neighborhood on that one. This one we didn't get a lot of credit for because the neighborhood didn't want anything but when we changed the JCI building from just being a Junior Chamber of Commerce International Building to an office building, which it was anyway, we never did change the use just changed the fact that it wasn't JCI anymore; we took the Zoning Code and there were like 145 possible uses of

the JCI building, and we reduced them to like 60 or 70, so as to ensure the neighborhood that the wrong kinds of businesses couldn't come in there. When we adopted a new Zoning Code, all five of us worked hard on buffer zones between commercial areas and residential areas, that was one of our things that we talked about over and over again; people applauded that. When we approved, I just picked out one or two here I was writing down over here, when we approved the building south of Bird Road, the big condo; we debated and labored long and hard over setbacks because the neighborhood was very concerned about being overwhelmed by the building. On the EWM buildings, the new ones on U.S.-1, that land had been scheduled for a big restaurant several times; I sat on the Planning and Zoning Board, these gentle sat on the Commission, but because of neighborhood opposition, even though they live off U.S.-1, the restaurant was never approved. Finally it became buildings, and we worked long and hard to buffer those buildings from the residential neighborhoods, and if you ever go down there you would see an office building buffered by townhouses and then a park before. Well, we get to this issue and of course I've expressed my interest in standing up for neighborhoods and neighbors and now I am a villan, because I've not seen the big picture. None of those by the way any of the ones I just previously mentioned had anything to do with exactly where I live in the City. You know, someone mentioned this in testimony, there are a lot of other places when you start playing around with the Zoning Code for allowing outside cafes on public property in residential areas, there is a lot of other places that might qualify for this, I think someone mentioned in their comments the Water Tower being a likely place for an outside café, maybe the JCI building that we talked about, that wouldn't be on public property, but the Ruth Brian Owens Park on Bird and Granada would be a lovely establishment for dining, of course we turned down the request there for kayak ramp and for a canoe ramp because a neighbor had complained; Gee, the triangle at Hammock Lakes next to the new guard gate might be a lovely area, and so forth and so on. I am concerned about changing the Zoning Code, I don't care if this is a Riviera Neighborhood Association, Hammock Lakes, North Greenway or South Greenway Drive, I am all for the operator, and as we've said before, I find it hard to believe that the operator is faced with a "do or die decision" over this; I realize he thinks its important and I realize he has made his case well, but the fact of the matter is this is a large, large building with lots of capabilities, lots of possibilities, and I sure hope that it doesn't depend on ten feet strip of grass out in front of North Greenway Drive to make or break it. But my position has been consistent in eight and-a-half years, not on this issue, but for eight and-a-half years my position is consistent, and I am not convinced now that we need to have a Zoning Code change to allow this. Mr. Clerk.

Commissioner Withers: So Don, you are not even in favor of trial period then? You know, the irony of this if Ralph would be here today it would probably pass, and I know that shouldn't....

Mayor Slesnick: Excuse me, that's not my doing

Commissioner Withers: I know its not your doing, I'm just saying its not like this is a...

Vice Mayor Kerdyk: ...[Inaudible – off mike]...

Commissioner Withers: Yeah, yeah, but he came out publicly and said that he changed his mind and he said that in the paper, and that's why he is not here today, but I would like to...I'll recognize you because I know that you want to respond to what Bill has been saying.

Mr. DiDonato: I'd like to perhaps expand on what Vice Mayor Kerdyk's perhaps consideration with respect to our proposal, and I'm willing to take it off the table the license for the restaurant area, I think the café is, perhaps we can make it work in the pool area it will be a little more difficult, but we will do whatever we can to do that, and so we can maintain this restaurant. The café although because of where its located and the small size of the space, its only 600 square feet, without some seating outside will not be viable whatsoever, so hopefully you could consider having twenty seats or twenty-four seats, just in front of the café area. There has been some objections to hard liquor, I would say we could restrict that only to beer and wine, and we can only go to 8:00 p.m. in the evening, or dusk, and give this an opportunity to succeed with only 20 or 24 seats; as I said, it will still be an interim period, nothing that you can hang your hat on and say well, I'm stuck with it now, we are going to open a first class café, we have imported our equipment from Europe, we will just....a few seats or so if its even feasible to have that there; we just need a little bit to execute this and...

City Attorney Hernandez: What was the question?

Mayor Slesnick: The question is, does it come back to us one more time?- and from what you have told me Madam City Attorney, if it was a 2-2 vote it would come back one more time.

City Attorney Hernandez: If you have a 2-2 vote it comes back at the next meeting. We have a unique Charter provision that provides that if there is a tie vote, it will come back at the next regular meeting of the City Commission unless you call a special meeting.

Commissioner Withers: With all the public input, public hearing all over again?

City Attorney Hernandez: Well it will come back as a part of a public hearing.

Mayor Slesnick: Why would that be?- we have already done that?- we are not voting on....I mean, its been before us three times now.

City Attorney Hernandez: In the event of a tie vote the proposed ordinance or resolution shall be carried over to the next regular or special meeting of the Commission; in the event that the proposed ordinance or resolution does not receive a majority vote at the subsequent meeting it should be deemed to have failed.

Mayor Slesnick: OK – carried over that's the key word – carried over, it would not start a public hearing all over again, it would go right to deliberations.

City Attorney Hernandez: If the Commission wishes to go right to deliberation, it should so announce today.

Mayor Slesnick: Well we will, if that's what it turns out to be.

Vice Mayor Kerdyk: So if its 2-2, I'm not going to sit up here and negotiate terms right this second here, I don't think this is the place to do that, but I understand if it's a 2-2 vote, what our options are at that point, so. So we have a motion on the floor.

City Attorney Hernandez: And the next meeting is I think is December 15<sup>th</sup>, I believe.

Mayor Slesnick: And if we carry this over we will carry it over directly to deliberation stage, I'm not trying to, if any Commissioner wishes otherwise to start the public hearing all over again...

Vice Mayor Kerdyk: No, we won't start it.

Commissioner Withers: Should I amend my motion?

Vice Mayor Kerdyk: No...

Commissioner Anderson: You can't amend the motion?

Commissioner Withers: I think I'm allowed to amend my motion.

City Attorney Hernandez: You can amend the motion.

Commissioner Anderson: I'll second it.

**Commissioner Withers: I'll amend the motion that we give the operator an opportunity on a trial basis to at least come back with a few options we can live with on a trial basis that we can take a look at and see if it has all these negative effects that people are fearing that it will.**

**City Attorney Hernandez: Will that be conditions that he indicated the beer and wine, 8:00 p.m. and 20 to 24 seats?**

**Commissioner Withers: No.**

**City Attorney Hernandez: OK.**

**Commissioner Withers: No, it doesn't have any of that in it, just changing it from a permanent fixture to and amended fixture.**

**City Attorney Hernandez: As it is.**

**Commissioner Withers: As it is.**

**Commissioner Anderson: I'll second that.**

**Mayor Slesnick: OK, any further comments?**

**Mr. Clerk**

**Commissioner Anderson: Yes**

**Vice Mayor Kerdyk: No**

**Commissioner Withers: Yes**

**Mayor Slesnick: No**

**(Vote: 2-2)**

**(Commissioner Cabrera: Abstain)**

City Attorney Hernandez: OK – this matter then will be carried over to the next City Commission meeting of December 15<sup>th</sup> and the Commission has indicated that what they are carrying over is their deliberations so there will be no public input unless the Commission by motion decides to reopen the hearing.

[End]