

1 CITY OF CORAL GABLES  
2 PLANNING AND ZONING BOARD MEETING  
3 VERBATIM TRANSCRIPT  
4 CORAL GABLES CITY COMMISSION CHAMBERS  
5 405 BILTMORE WAY, CORAL GABLES, FLORIDA  
6 WEDNESDAY, JULY 14, 2010, 6:02 P.M.

7 Board Members Present:

8 Tom Korge, Chairman  
9 Eibi Aizenstat, Vice-Chairman  
10 Robert Behar  
11 Jack Coe  
12 Jeffrey Flanagan  
13 Pat Keon  
14 Javier Salman

15 City Staff:

16 Eric Riel, Jr., Planning Director  
17 Elizabeth M. Hernandez, City Attorney  
18 Patrick Salerno, City Manager  
19 Walter Carlson, Assistant Planning Director  
20 Jill Menendez, Administrative Assistant  
21 Martha Salazar-Blanco, Zoning Official  
22 Carlos Mindreau, City Architect

23 Also Participating:

24 Zeke Guilford, Esq.  
25 Guilford & Associates  
On behalf of Fairchild Tropical Garden.  
26 Laura Russo, Esq.  
27 Russo & Baker  
28 On behalf of Gulliver Academy  
29 Bruce W. Greer, Esq.  
30 Chairman of the Board, Fairchild Botanic Garden  
31 Gary McGraw, AIA  
32 Gili-McGraw Architects, L.L.P.  
33 On behalf of Gulliver Academy  
34 Tim Plummer, Traffic Engineer  
35 On behalf of Gulliver Academy  
36 Jeffrey Bartel, Chairman of the  
37 Board of Trustees, Gulliver Academy  
38 Andrew W.J. Dickman, Esq.  
39 Law Offices of Andrew Dickman P.A.  
40 On behalf of Gables-By-The-Sea Homeowners  
41 Association

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2 Public Speakers:

3 Joseph Pallot  
4 Arlene Zakarin  
5 Norman Segall6 Jeffrey Bartel  
7 Carlos Santeiro  
8 Arturo V. Hernandez

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11

12 THEREUPON:

13 The following proceedings were had:

14 CHAIRMAN KORGE: We're going to get going  
15 here, please, if everybody can kind of settle  
16 down a little bit and --17 MR. COE: Mr. Chairman, we need to clear  
18 the aisles. It's a Fire Code violation.19 CHAIRMAN KORGE: I guess we're going to  
20 have to clear the aisles. This is apparently a  
21 Fire Code violation. So I guess some people  
22 can move up over here and the rest are going to  
23 have to move out into the hallway.

24 (Simultaneous comments off the record)

25 CHAIRMAN KORGE: We're going to -- For the  
Gulliver -- People who are here for the  
Gulliver application, whoever is here for the

1 Gulliver application, that is the second item  
2 we're going to cover, so if you want to wait  
3 until the first item is done, you can wait  
4 outside and just relax.

5 MS. HERNANDEZ: Are we doing Gulliver  
6 second?

7 CHAIRMAN KORGE: It will be a few  
8 minutes -- it will probably be about 30 minutes  
9 before we get to your item.

10 So let's start by calling the roll, please.

11 MS. MENENDEZ: Eibi Aizenstat?

12 MR. AIZENSTAT: Here.

13 MS. MENENDEZ: Robert Behar?

14 MR. BEHAR: Here.

15 MS. MENENDEZ: Jack Coe?

16 MR. COE: Here.

17 MS. MENENDEZ: Jeff Flanagan?

18 MR. FLANAGAN: Here.

19 MS. MENENDEZ: Pat Keon?

20 Javier Salman?

21 MR. SALMAN: Here.

22 MS. MENENDEZ: Tom Korge?

23 CHAIRMAN KORGE: Here.

24 The first item on our agenda --

25 MR. COE: Mr. Chairman, a few things. I'd

1 recommend we do not continue this meeting until  
2 the aisles are cleared and we do not have a  
3 continuing Fire Code violation. If there's a  
4 fire in this room, lots of people will die.  
5 They need to clear this out, and I instruct Mr.  
6 Riel to get the Fire Department over here and  
7 make sure these aisles are cleared. I will not  
8 participate in this meeting until that is done.

9 CHAIRMAN KORGE: Okay, let's see if we can  
10 get the aisles cleared. If you're here from  
11 Gulliver, why don't you, you know, step outside  
12 and let the people who are here for the  
13 Fairchild application come in, and then after  
14 the Fairchild application, you can step back  
15 in, to the extent that we have room to  
16 accommodate you.

17 MS. HERNANDEZ: Laura -- Ms. Russo, what  
18 the Chair is requesting and what Mr. Coe is  
19 insisting upon is that apparently the Fairchild  
20 hearing is going to go first, and he's  
21 requesting that if you could ask your clients,  
22 plural, to go with you outside so that the  
23 Fairchild people can be in here, and that way,  
24 Board Member Coe will be comfortable that we  
25 don't have a Fire Code issue and the Chair can

1 continue with the hearing. We would really  
2 appreciate your cooperation --

3 MS. RUSSO: Absolutely.

4 MS. HERNANDEZ: -- and assistance, and we  
5 sincerely appreciate it. Thank you so much.  
6 And we have very comfortable stairs.

7 Thank you, folks. Thank you. I'm a mother  
8 of boys.

9 (Discussion off the record)

10 MS. HERNANDEZ: Okay, Tom, just do the  
11 hammer thing.

12 CHAIRMAN KORGE: Quiet, please.

13 MS. HERNANDEZ: If we could do this as  
14 expeditiously as possible, we will get out of  
15 here before midnight.

16 CHAIRMAN KORGE: If you're here for the  
17 Fairchild application, you should come into the  
18 room. If you're here for the Gulliver  
19 application, you should leave the room.

20 MS. HERNANDEZ: The mikes are not working.

21 CHAIRMAN KORGE: The mikes are not on.

22 MS. HERNANDEZ: Eric, the mikes are not  
23 working.

24 MR. COE: There's no microphone, Mr. Riel.

25 MR. FLANAGAN: Mine works.

1 MR. RIEL: I'm sorry, the mikes are on.

2 MR. COE: There's no microphone.

3 CHAIRMAN KORGE: They're on now?

4 MR. RIEL: The mikes are on.

5 MS. HERNANDEZ: I'm going to start with a  
6 rendition of karaoke and then we'll see if you  
7 can hear me. Can you hear me?

8 MR. BEHAR: I hear you.

9 MR. FLANAGAN: Liz, thank goodness, we  
10 can't hear you.

11 MS. HERNANDEZ: I'm talking about Jeff over  
12 here -- okay.

13 Okay. All right, Mr. Chairman.

14 CHAIRMAN KORGE: Okay, let's get going.

15 Our first item on the agenda is approval of  
16 the minutes of the meeting of June 9th.

17 MR. SALMAN: So moved, Mr. Chairman.

18 MR. BEHAR: Second.

19 CHAIRMAN KORGE: Second. Any discussion,  
20 changes, objections, anything? Hearing none --

21 THE COURT REPORTER: Who moved it? Who  
22 moved approval?

23 MR. COE: Due the din, Mr. Chairman, the  
24 court reporter cannot hear anything.

25 CHAIRMAN KORGE: I don't know what to tell

1           you. I don't control the microphone volume.

2           MR. COE: Well, you need to have people  
3 settle down. The court reporter cannot take a  
4 word down. She wants to know, so far, what has  
5 transpired.

6           CHAIRMAN KORGE: The noise is from outside  
7 of the room.

8           MS. HERNANDEZ: Okay.

9           CHAIRMAN KORGE: Unless you want me to go  
10 outside and chase everybody down --

11          MS. HERNANDEZ: No -- no, Mr. Chair, she's  
12 just asking who made the motion. That's all  
13 she's asking.

14          CHAIRMAN KORGE: We've got a motion on the  
15 floor.

16          MR. BEHAR: Who made the motion?

17          MR. SALMAN: I did.

18          MR. BEHAR: I seconded.

19          MS. HERNANDEZ: Thank you.

20          THE COURT REPORTER: Thank you.

21          CHAIRMAN KORGE: Moved and seconded. No  
22 objections, discussions. Let's call the roll,  
23 please.

24          MS. MENENDEZ: Robert Behar?

25          MR. BEHAR: Yes.

1 MS. MENENDEZ: Jack Coe?

2 MR. COE: Yes.

3 MS. MENENDEZ: Jeff Flanagan?

4 MR. FLANAGAN: Yes.

5 MS. MENENDEZ: Javier Salman?

6 MR. SALMAN: Yes.

7 MS. MENENDEZ: Eibi Aizenstat?

8 MR. AIZENSTAT: Yes.

9 MS. MENENDEZ: Tom Korge?

10 CHAIRMAN KORGE: Yes.

11 The second item is the minutes -- approval  
12 of the minutes of June 24, 2010.

13 MR. COE: So moved, Mr. Chairman.

14 CHAIRMAN KORGE: Moved. Second?

15 MR. SALMAN: Second.

16 CHAIRMAN KORGE: Seconded. Any discussion,  
17 objections, questions?

18 None? Let's call the roll, please.

19 MS. MENENDEZ: Jack Coe?

20 MR. BEHAR: Jack Coe --

21 MR. COE: Yes.

22 MS. MENENDEZ: Jeff Flanagan?

23 MR. FLANAGAN: Yes.

24 MS. MENENDEZ: Javier Salman?

25 MR. SALMAN: Yes.

1 MS. MENENDEZ: Eibi Aizenstat?

2 MR. AIZENSTAT: Abstain. I was not here.

3 MS. MENENDEZ: Robert Behar?

4 MR. BEHAR: Yes.

5 MS. MENENDEZ: Tom Korge?

6 CHAIRMAN KORGE: Yes.

7 The first item on the agenda for tonight is  
8 Application Number 11-09-095-P, Change of  
9 Zoning, Zoning Code Text Amendment, Master Site  
10 Plan Amendment, Planned Area Development  
11 Assignment and Site Plan Review for Fairchild  
12 Tropical Garden.

13 Mr. Guilford, are you making a  
14 presentation?

15 MR. GUILFORD: Yes, sir, Mr. Chairman, I  
16 am.

17 CHAIRMAN KORGE: Okay.

18 MR. GUILFORD: Thank you, Mr. Chairman,  
19 Members of the Board. For the record, my name  
20 is Zeke Guilford, with offices at 2222 Ponce de  
21 Leon Boulevard. It gives me great pleasure to  
22 be here this evening, representing Fairchild  
23 Tropical Garden.

24 Here with me, as part of the Fairchild  
25 team, is Mr. Bruce Greer, the president,

1 Nannette Zapata, Chief Financial Officer,  
2 Albert Cordoves, the project architect, as well  
3 as Mr. Tim Plummer, traffic engineer.

4 Mr. Chairman, what I'd like to do is have  
5 Mr. Greer come forward and say a couple words,  
6 and then I'm going to give you an extremely  
7 brief presentation.

8 CHAIRMAN KORGE: Thank you.

9 MR. GREER: Members of the Board, good  
10 evening. I'm Bruce Greer. I'm Chairman of the  
11 Board of Fairchild Tropical Garden.

12 It's with great pleasure that I appear  
13 before you all tonight to tell you about a  
14 project or at least to introduce it. We've  
15 worked on this project for a number of years.  
16 As it stands now, we have raised 20 million  
17 dollars for this project. We have 40,000  
18 members who have -- who have affirmatively  
19 supported this project, 40,000 Fairchild  
20 members, and of the 20 million dollars that  
21 we've raised, specifically six million comes  
22 from Coral Gables residents who are backing  
23 this project, and of course, we'll have naming  
24 opportunities in the project, and we hope to  
25 raise quite a bit more money and really put

1 Fairchild in a position forever not to have to  
2 raise money after we're gone.

3 We're very excited. It's a new science  
4 center. It's new greenhouses. It cleans up a  
5 lot of the infrastructure at Fairchild, which  
6 is quite old. We are, in fact, the oldest  
7 cultural institution in Miami-Dade County.  
8 Fairchild will celebrate its 75th anniversary  
9 next year, and we think we've been good  
10 stewards. We've had a very good experience  
11 with Staff and with the neighbors in this case.  
12 We've been able to come forward with very nice  
13 agreements, and we just look forward to  
14 proceeding.

15 We have our construction contracts  
16 negotiated, and hopefully, if you see it the  
17 way we do and our members do, we'll break  
18 ground in September and we'll be able to abide  
19 by our contract.

20 So thank you very much, again, for having  
21 us. We know you have a big agenda. I've been  
22 known oftentimes to go for hours, talking about  
23 Fairchild. I only want to say one other thing.  
24 In some major publications, Fairchild has been  
25 listed recently as one of the two greatest

1 tropical botanic gardens in the world, and they  
2 list Singapore and they list Fairchild. When  
3 we finish this project -- we actually believe  
4 this to be the case today, but when we finish  
5 this project, we hope there will be a book  
6 written that makes it very clear that Fairchild  
7 is the number one tropical botanic garden and  
8 doesn't share that denomination with Singapore.

9 Thank you very much.

10 MR. GUILFORD: Mr. Chairman, we believe  
11 that Eric and Walter did an excellent job in  
12 the Staff Report, and obviously, you have a  
13 rather lengthy, rambunctious crowd waiting to  
14 come in, so I'm going to just touch on the  
15 various four applications that are before you,  
16 and of these four applications, most of them  
17 are cleanup. What I mean by that is, it's  
18 really to correct something that should have  
19 been corrected a while ago.

20 For example, we're asking for a change of  
21 zoning from "SFR," Single-Family Residential,  
22 which actually has an "X" on it, to permit the  
23 botanical garden, to actually an "S" zoning  
24 classification, which is actually the zoning  
25 classification that it's in, in the Zoning

1 Code.

2 We're also asking for an enumeration of the  
3 uses permitted at Fairchild. In talking with  
4 various City members, basically, they were  
5 saying a botanical garden was permitted, but a  
6 cafe was not; a botanical garden was permitted,  
7 but a gift shop is not. So we felt it was to  
8 make it clear of what the uses, permitted uses,  
9 are, versus what are not permitted. We went  
10 ahead and created a zoning text amendment to  
11 include those uses.

12 Under the "S" zoning designation, it  
13 clearly provides for a botanical garden with an  
14 approved Master Plan. We have never created a  
15 Master Plan. So what you have before you is,  
16 in fact, the first Master Plan for Fairchild.  
17 Again, a cleanup item.

18 And lastly, in discussing with Staff, and  
19 really due to the size of the property, we're  
20 requesting to be considered as a Planned Area  
21 Development, which will give us flexibility in  
22 the future for the development of the Garden,  
23 as far as facing, setbacks, et cetera. So  
24 we're asking that you approve those, as well.

25 Also, as Mr. Greer has stated, Fairchild

1 has worked very hard and diligently with the  
2 homeowners' association, and they entered into  
3 an agreement recently, which I believe you have  
4 as part of your packet.

5 So, with that being said, Mr. Chairman,  
6 again, that's our application in a nutshell.  
7 We're here and will be happy to answer any  
8 questions that you may have, and I would ask to  
9 keep five minutes for rebuttal, if necessary.

10 MS. HERNANDEZ: Mr. Guilford, is the  
11 covenant recorded? Because I don't see -- I  
12 don't know that it's recorded.

13 MR. GUILFORD: No, it is not. It has not  
14 been recorded yet.

15 MS. HERNANDEZ: Will it be recorded?

16 MR. GUILFORD: Yes, it will.

17 MS. HERNANDEZ: Okay.

18 MR. GUILFORD: Also, Mr. Chairman, I'm  
19 sorry for -- actually, for the record, we do  
20 accept Staff's recommendation with the  
21 conditions.

22 CHAIRMAN KORGE: Would anybody from the  
23 Board like to question Mr. Guilford at this  
24 time?

25 MS. HERNANDEZ: The public?

1           CHAIRMAN KORGE:  No?  Let's -- I'm sorry,  
2           go ahead.

3           MR. BEHAR:  No, I do.

4           When this application, I think, came before  
5           us for something else in the last -- within the  
6           last year, you had some neighbors that were  
7           somewhat opposed to what was being proposed at  
8           the time.  Has that been resolved with the  
9           neighbors?

10          MR. GUILFORD:  We have come to an agreement  
11          with -- I want to say 95 percent of the  
12          neighbors, 98 percent of the neighbors.  There  
13          may be one or two here, objecting, but we've  
14          come to agreement as far as additional  
15          landscaping, changes to the fence, that was  
16          originally picket, it's now opaque, for the  
17          emergency entrance.

18          So a lot of the items that they were  
19          concerned about, we have addressed and believe  
20          we have taken care of those issues.  But again,  
21          I believe there's a couple neighbors who are  
22          still opposed to this application.

23          MR. FLANAGAN:  Let me ask, Mr. Guilford,  
24          what's the current setback of the structures on  
25          the south side of the property from Campana

1 Avenue?

2 MR. GUILFORD: They vary, but the one  
3 closest is thirteen six, and that's the reason  
4 we kept that setback, going forward.

5 MR. FLANAGAN: So that's existing?

6 MR. GUILFORD: That's existing, correct.

7 MR. FLANAGAN: Okay.

8 CHAIRMAN KORGE: Any other questions?

9 Is there anybody here from the public who  
10 would like to speak on this application?

11 MR. RIEL: Mr. Chair, just for the record,  
12 I just want to note, Staff does recommend  
13 approval of the four ordinances attached,  
14 subject to the conditions contained in the  
15 Staff Report.

16 MS. HERNANDEZ: Okay.

17 CHAIRMAN KORGE: Yes. Thank you.

18 Is there anybody here from the public who  
19 would like to speak at this time?

20 Yes, sir.

21 MR. COE: Are they signed in?

22 MR. RIEL: We have two people that signed  
23 up to speak.

24 MS. HERNANDEZ: They have to be sworn in.

25 MR. PALLOT: Good evening, and thank you

1 very much. My name is Joe Pallot. I'm a  
2 resident of Hammock Oaks.

3 MR. COE: They have to be sworn, don't they?

4 MR. PALLOT: My property --

5 MS. HERNANDEZ: Yes.

6 MR. PALLOT: -- is 385 Campana, I -- but --

7 MR. COE: Mr. Chairman -- Mr. Chairman, if  
8 I may interrupt, this witness has to be sworn.

9 CHAIRMAN KORGE: Yes, you need to be sworn  
10 in.

11 MS. HERNANDEZ: Well, can we do -- Any  
12 persons who are going to be testifying this  
13 evening on this application, if they could  
14 please stand, to be sworn in.

15 (Thereupon, all who were to speak were duly  
16 sworn by the court reporter.)

17 MS. HERNANDEZ: Thank you.

18 MR. PALLOT: A point of order, how much  
19 time do I have?

20 CHAIRMAN KORGE: Two or three minutes.

21 MR. PALLOT: Okay. I don't expect to take  
22 very long. I live at 385 Campana Avenue, and  
23 I've lived there for over 10 years. Our  
24 neighborhood is on the southern border of  
25 Fairchild Gardens, and it is true that the

1 Garden has met with the homeowners on a few  
2 occasions. It is also true that the neighbors  
3 have had some significant concerns regarding  
4 the development of Fairchild.

5 Our concerns and my purpose for being here  
6 is that I believe that the Staff recommendation  
7 is very instructive. Although they are coming  
8 to talk to you primarily about a science  
9 project, which they have talked to the  
10 neighbors about, and the neighbors who are most  
11 directly involved and affected by that have  
12 entered into an agreement with Fairchild  
13 regarding some conditions on that, part of what  
14 they're trying -- what they're here to do is to  
15 rezone the project as part of the entire  
16 82-acre facility of Fairchild Gardens.

17 When Fairchild built their Visitor Center  
18 on the northern side of the property, all part  
19 of the adjacent gardens which they come to you  
20 to unify in zoning, they began a program of  
21 renting out facilities in that Visitor Center  
22 and just outside the Visitor Center, on a  
23 regular, frequent basis. They run parties out  
24 of that, just as any other rental facility  
25 will, and those parties are amplified and very

1           loud. The music and noise travels across the  
2           garden, and frankly disturbs the peace in a way  
3           that violates your Code.

4           We have talked to the community -- to the  
5           Garden for years about this, received a number  
6           of promises. Sometimes they would live up to  
7           some of the promises for a brief period of  
8           time, sometimes not.

9           We believe, I believe, it's perfectly  
10          appropriate as you look at the conditions to  
11          this Master Plan, this PAD that they're talking  
12          about, to put conditions on the amplified music  
13          and sound, such that it does not disturb the  
14          peace, which it is, in fact, disturbing every  
15          time they rent this facility out.

16          So my request is not to deny the request to  
17          build the science project. We love the Garden.  
18          I'm a member of the Garden. I think the Garden  
19          is fantastic. I think what they plan to do  
20          with the science project is a great thing. But  
21          as you look at the overall project, it is  
22          important to remember the people that live  
23          around it and that we not be disturbed by it.

24          When they started to run these projects,  
25          they didn't run them through the City, they

1           didn't get any permission. They just started  
2           doing it. We complained. The City -- We tried  
3           not to become public with this issue. We tried  
4           to do it neighborly. And to be very candid and  
5           very blunt, that hasn't worked. And now is the  
6           time, when they come before you to rezone the  
7           project, to take this and deal with it the way  
8           it should be dealt with, and that is to control  
9           the amplified sound so that it does not violate  
10          your Code, and, therefore, us.

11                   CHAIRMAN KORGE: Do you have any  
12                   suggestions on how they would do that?

13                   MR. PALLOT: Well, among other things, they  
14                   built a beautiful Visitor Center, which has a  
15                   large room. If they held their functions  
16                   inside that room and kept the doors closed and  
17                   the amplified sound inside those doors, I think  
18                   that would do a significant amount of  
19                   improvement.

20                   I think the other thing they could do is  
21                   turn it down dramatically. I think the other  
22                   thing they could do is -- I'm not an engineer,  
23                   I'm not a scientist, I'm not a sound expert,  
24                   but I suspect there are ways they can run  
25                   functions there, make the money they claim they

1           need to make -- which I don't object to them  
2           making any money, but I object to them  
3           intruding on my peace, because this is a  
4           residential neighborhood. It's a garden, not a  
5           party facility.

6           CHAIRMAN KORGE: Thank you.

7           MR. PALLOT: So my request is that you  
8           include, as conditions into this approval,  
9           conditions regarding the amplified sound, from  
10          throughout the garden, not simply the science  
11          project.

12          CHAIRMAN KORGE: Thank you very much.

13          MR. PALLOT: Thank you.

14          CHAIRMAN KORGE: Call the next witness,  
15          please.

16          MS. MENENDEZ: Arlene Zakarin.

17          CHAIRMAN KORGE: For the record, Pat  
18          Salerno, our City Manager, has arrived, I guess  
19          to keep an eye on us.

20          MS. ZAKARIN: Good evening, gentlemen,  
21          ladies. My name is Arlene Zakarin. I live at  
22          375 Campana. I've lived in our home for 37  
23          years. We chose Hammock Oaks because of its  
24          beauty, its peace, its quiet, its proximity to  
25          the Garden. I, too, am a member of the Garden.

1                   (Thereupon, Ms. Keon arrived.)

2                   MS. ZAKARIN:   When the new party venue was  
3                   built, the new Visitor Center, we knew  
4                   immediately we had a noise problem.

5                   CHAIRMAN KORGE:   Excuse me for interrupting  
6                   you.

7                   Just for the record, Pat Keon has arrived.  
8                   I'm sorry, go ahead.

9                   MS. ZAKARIN:   That's okay.

10                  I had called the Garden to see who I needed  
11                  to speak to about it, and I was directed to Ann  
12                  Schmidt, who I'm not quite sure of her title, I  
13                  would say party venue coordinator, and she said  
14                  that right away, they realized they had a  
15                  problem with the noise.   They were going to  
16                  address it.   She said in the contracts that had  
17                  been written at that point, they had not  
18                  included in the contract the issue of where the  
19                  music had to be.   She gave me the number of  
20                  parties going forward and the date that that  
21                  would end, and all new contracts would include  
22                  the music being in the room, with the doors  
23                  closed.

24                  That did not happen.   The noise continued.  
25                  It's like they're on my patio.   It's like

1           they're in my bedroom. I've spoken to Ann  
2           Schmidt on many occasions. She has told me  
3           they were looking at sound walls, they were  
4           looking at various things. The bottom line is,  
5           what she said was, there was nothing we could  
6           really do about it.

7           I will tell you, one night the noise was so  
8           loud -- it was midnight -- that my husband  
9           called the previous director of the Garden at  
10          midnight, held up our telephone and said, "I'm  
11          awake and I would like you to be awake, too.  
12          Do you hear the noise that's in my house?"

13          So the noise issue is a definite, definite  
14          problem, and I would like you to address that  
15          issue.

16          Just to give you one other example of how  
17          bad it is, I'm giving a party at the end of  
18          August. I had to call Ann Schmidt at the  
19          Garden to see what night would be available for  
20          me to have a party in my home, so that my  
21          company would not have to listen to the noise  
22          from the Garden.

23          Thank you very much.

24          CHAIRMAN KORGE: Thank you.

25          Call the next witness, please.

1 MS. MENENDEZ: Norman Segall.

2 MR. SEGALL: May it please the Commission,  
3 I'm Norman Segall. I live at 495 Campana  
4 Avenue.

5 MR. COE: Mr. Segall, we're not the  
6 Commission.

7 MR. SEGALL: My --

8 MR. COE: You elevated us.

9 MS. HERNANDEZ: And they feel good.

10 MR. SEGALL: I -- well, you deserve to be  
11 elevated. How's that for pandering?

12 In any event, I am the past president of  
13 the Hammock Oaks Homeowners' Association. I'm  
14 counsel that was involved in the drafting of a  
15 covenant running with the land that was  
16 negotiated between the association and  
17 Fairchild Garden over a period of some time,  
18 and I don't know if you have that document in  
19 front of you. I assume --

20 Bruce, has it been supplied?

21 MR. GREER: Yes.

22 MR. COE: Yeah, we have it.

23 MR. SEGALL: All right, so they have that.

24 Based upon those negotiations and those --  
25 and the documents and the agreements contained

1 in the covenant running with the land, as  
2 amended, and you probably don't have an  
3 amendment, because it hasn't been written yet,  
4 but as amended, as to Paragraph 9, on -- 9G, I  
5 believe it is -- J, I'm sorry, which now reads  
6 that all future development of structures by  
7 Fairchild Gardens shall be no less -- shall be  
8 located no less than 125 feet, measured from  
9 the back property lines of the homes located on  
10 the north side of Campana Avenue, we've agreed  
11 to amend that to reflect 250 feet with a  
12 carve-out of -- for the existing amphitheater  
13 that is there, and so that, with that  
14 prohibition, the association will enter into --  
15 well, already has -- will enter into an  
16 amendment of the covenant with Fairchild  
17 Gardens, and based upon this agreement,  
18 supports the application.

19 MS. HERNANDEZ: And you'll be recording --

20 MR. SEGALL: Yes.

21 MS. HERNANDEZ: You know, these rights  
22 accrued to your organization, so --

23 MR. SEGALL: Right, and --

24 MS. HERNANDEZ: -- you will be recording --  
25 okay.

1           MR. SEGALL: We will -- well, Fairchild  
2 will.

3           MS. HERNANDEZ: Okay, well, somebody will.

4           MR. SEGALL: As part of the thing. It will  
5 be recorded --

6           MS. HERNANDEZ: Okay. Thank you.

7           MR. SEGALL: -- let's put it that way.

8           MS. HERNANDEZ: I appreciate that.

9           MR. SEGALL: And based upon the  
10 understandings, as I say, we do support it.

11           MR. AIZENSTAT: If I may, how did you come  
12 up with the 250 feet? Did you hire an expert  
13 or somebody that told you that that was the --

14           MR. SEGALL: No. That was -- that was a  
15 footage that was more or less negotiated as to  
16 what was there, with -- the original idea was  
17 that these structures that are in the existing  
18 line would go down so far, and I will say that  
19 my house is the one that is the most directly  
20 affected. It comes right next to my house, so  
21 to speak. And we wanted to make sure that in  
22 future years, nothing farther to the east would  
23 happen, and so we -- we talked about a line  
24 going back from the houses that are on the  
25 north side of Campana. Originally, it was an

1           indefinite thing, and then we said, "Wait a  
2           minute, it goes all the way across their  
3           property."

4           So we came to this number. It isn't a  
5           surveyed number. It's a number that we felt  
6           was reasonable, in our negotiations with  
7           Fairchild, that would keep future structures,  
8           if there were any to be out there, from coming  
9           close to the houses on Campana, hopefully not  
10          adding to the noise problem, which is a  
11          different issue than what I'm speaking about  
12          today.

13          I'm not -- I'm not saying that I'm against  
14          what the previous speakers have said, because  
15          that is an issue, but it's not this issue.

16          MR. COE: Is it an issue for you,  
17          personally, the noise?

18          MR. SEGALL: It is an issue to our house,  
19          as well, but like I said, that's an enforcement  
20          issue. My belief is that there are existing  
21          laws and ordinances on the books that deal with  
22          noise coming from one property onto the other.  
23          As to whether or not they can -- they could or  
24          should build a structure or structures of the  
25          proposed ones here, and we have negotiated --

1           one of the covenants is that there will be no  
2           amplified music from the proposed structures,  
3           so that is its own issue.

4           What happens at a wedding or a bar mitzvah  
5           on the other end of -- you know, emanating from  
6           the other structures that already are there,  
7           is, in my view, a different issue, and if we  
8           were here arguing -- talking about that, I  
9           might be taking another side, but I'm only  
10          going to speak to these structures and this  
11          proposal.

12          And if you have any other questions, I'm  
13          here, and if not, I'm there.

14          MS. HERNANDEZ:   Okay.

15          MR. SEGALL:    Thank you.

16          CHAIRMAN KORGE:   Any other questions?  No?  
17          Call the next witness, please.

18          MS. MENENDEZ:   There's no further speakers.

19          MR. COE:       That's it.

20          CHAIRMAN KORGE:   Mr. Guilford, do you want  
21          to add anything before we take it up for  
22          discussion?

23          MR. GUILFORD:   Just -- I'll take less than  
24          a minute.  We understand the concerns of the  
25          neighbors.  We actually did a noise and sound

1 study and actually went in front of Mr.  
2 Pallot's house and recorded the noise levels,  
3 but this is obviously a concern by more than  
4 one neighbor. What we have agreed to do is  
5 turn the speakers so they do not face -- they  
6 are 180 degrees away from Campana, so actually  
7 the back of the speakers would be facing  
8 Campana.

9 Again, this is a City ordinance issue.  
10 It's not before this Board. The four  
11 applications are before this Board. So we ask  
12 that you recommend approval of the applications  
13 before you. Thank you.

14 CHAIRMAN KORGE: I'll close the public  
15 portion of the meeting, and we'll open it for  
16 discussion or a motion.

17 MR. FLANAGAN: I'll just ask a question of  
18 Staff. In Attachment B, we have a zoning  
19 analysis that says -- there's a multiple --  
20 there's a bunch of items that says it does not  
21 comply with certain provisions of the Code.  
22 But this was done, I think, back in January.

23 MR. RIEL: I'm trying to find it here.

24 MR. FLANAGAN: I'm assuming and wondering  
25 if those have all been remedied in subsequent

1 meetings or different modifications to the  
2 application.

3 MR. RIEL: Well, basically, what it is, is  
4 when the Building & Zoning Department does an  
5 analysis, they indicate "Does not comply,"  
6 because it's basically the strict  
7 interpretation of the Code, and as a part of  
8 this amendment, most of the things that you'll  
9 note on the -- that does not comply, are the  
10 setbacks, which they've asked for a PAD, which  
11 allows the relaxation of.

12 So that's basically -- that's what made all  
13 these, "Do not comply." And in lieu of  
14 putting, "Not applicable," they just put, "Do  
15 not comply."

16 MR. FLANAGAN: Thank you.

17 CHAIRMAN KORGE: Did you look at any  
18 methods by which -- and talk with them about  
19 methods by which they could mitigate the sound  
20 problem? It's nice to say, you know, it  
21 violates the Code, but if you have to -- if you  
22 live there and you have to call every time  
23 there's a noise problem, and it's a recurring  
24 problem, you know, enforcement isn't the  
25 easiest way to live, you know.

1           MR. RIEL:  It was an issue that Staff did  
2           discuss with the applicant.  That's one of the  
3           reasons they did the sound study, and that's  
4           why they proffered to turn the speakers,  
5           although -- since we were mainly dealing with  
6           the science center, which is adjacent to  
7           Campana, we did discuss with the Police  
8           Department, and they're a part of the  
9           Development Review Committee.  The issue did  
10          not come up.  You are correct and the applicant  
11          is correct that there are decibel level, you  
12          know, provisions in the Code that everybody  
13          needs to adhere to.  So, if there is a problem,  
14          they obviously need to call the Police  
15          Department or Code Enforcement, and they'll go  
16          out and do the noise sampling, and that can be  
17          done, obviously -- if Fairchild is having an  
18          event coming up, they can certainly do that,  
19          you know, as a part of that, but right now,  
20          we're of the opinion that, you know, the Code  
21          has provisions for decibel levels, and that's  
22          adequate, so --

23                 CHAIRMAN KORGE:  Eibi?

24                 MR. AIZENSTAT:  Can you bring us up-to-date  
25                 as to what the Code is right now for noise?

1           MR. RIEL: That is about an eight or  
2 nine-page document.

3           MR. AIZENSTAT: Can you sum it up?

4           MR. RIEL: I'm going to be honest with you,  
5 I can't. It gets into decibel levels, and I  
6 just -- I'm not an expert in noise.

7           MR. COE: It's not only at decibel levels.  
8 It's at times of day and days of the week.

9           MR. RIEL: Duration. There are a lot of  
10 different variables.

11          MS. HERNANDEZ: Right.

12          MR. COE: The homeowner that made reference  
13 to loud music at midnight, it is illegal and a  
14 Code violation anywhere within the City.

15          MS. HERNANDEZ: Right.

16          MR. COE: And all the homeowner had to do  
17 was to call the Police or Code Enforcement and  
18 file a complaint, and that would go in front of  
19 the Code Enforcement Board, who will crack down  
20 very hard on Fairchild Gardens or anybody else  
21 that has loud music at midnight.

22          MS. HERNANDEZ: That is correct.

23          MR. BEHAR: But a question, Mr. Riel. If  
24 we approve the PAD, do we essentially give a  
25 carte blanche as far as setback requirements

1 for the entire property?

2 MR. RIEL: No, because they would have to  
3 amend the PAD. And if you note, on Page 3 of  
4 your Staff Report, Condition 2b, as you know,  
5 the PAD ordinance does allow for minor  
6 amendments. We specifically indicated in here  
7 what amendments are available. So we clarified  
8 that. So it's much more restrictive than PAD  
9 requirements. Right now, the setbacks are 25  
10 feet on Campana.

11 MR. COE: It's a substantial --

12 MR. BEHAR: The other question I have is,  
13 I'm seeing three proposed buildings, two office  
14 and one cafe, but I don't see where the service  
15 area, trash enclosure, will be. Can we get  
16 somebody to clarify that for us, please? How  
17 is the service going to be --

18 MS. HERNANDEZ: Yes.

19 MR. BEHAR: -- conducted? Because that was  
20 one of the issues I remember from the previous  
21 meeting, that the trucks, service trucks, will  
22 be on Campana. I think that under your  
23 proposed plan, it should be done, all the  
24 service, within your property.

25 MR. COE: Well, the PAD --

1           MR. GUILFORD: That is correct. It's  
2 actually going to be on the north side of the  
3 property, on the road. If you want me to come  
4 forward, I'll be more than happy to show you  
5 where it's going to be located.

6           MR. BEHAR: Sure.

7           MR. RIEL: While the applicant is coming  
8 forward, I mean, at the present time, they  
9 access all service from Campana. One of the  
10 conditions here is, that will be closed and  
11 gated. The only access will be permitted for  
12 emergency fire access.

13          MR. BEHAR: Yeah, but you have -- This is  
14 your cafe area.

15          MR. GUILFORD: Right.

16          MR. BEHAR: Where's your trash and all --

17          MR. GUILFORD: Everything is over here.

18          MR. AIZENSTAT: You're going to take it  
19 from there all the way around --

20          MR. GUILFORD: They have golf carts and  
21 various carts that will move it.

22          MR. FLANAGAN: What shade is that?

23          MR. BEHAR: He's pointing to the portion of  
24 the shaded area, Number 29, all the way on the  
25 other side of the facility. I --

1           MR. GREER:  They've asked us to agree not  
2           to have the trash where it is now and not to  
3           have any Coca-Cola trucks or anything come down  
4           Campana, and in fact, not to use Campana,  
5           whatsoever.

6           One of my board members, when we approved  
7           this written agreement, the question that she  
8           had to me was, "Is Campana a public street?"  
9           She suggested I am the worst negotiator in  
10          Miami, but I may be, but we think that -- Maury  
11          Donsky, who's the head of the homeowners'  
12          association, we worked with him for two years.  
13          We went to more than one homeowners' meeting.  
14          This is not particularly convenient for us, to  
15          do this this way, but we just didn't want to  
16          have the wrath of the homeowners' association.  
17          So, while it's not convenient, we do have golf  
18          carts.  We do do it this way now.  We've been  
19          doing it this way for a year, so we know we  
20          can.  It's not Disney World.  We're not doing,  
21          you know, like the trash is three feet from  
22          Mickey's Starland.  The trash is quite a bit a  
23          ways, now, from Mickey's Starland.  But we  
24          have -- Maury was a pretty tough negotiator, as  
25          was Mr. Segall, and if you read the whole

1           agreement -- I'll just give you one other  
2           example. I understood from Staff that they  
3           were going to require a 75-foot setback. Even  
4           knowing that, I agreed with Maury to 125 feet,  
5           because I just didn't want to have any more of  
6           these discussions, and even two nights ago,  
7           after Maury went on vacation, I heard from one  
8           of the board members, not the board, that she  
9           actually wanted 250 feet, and I'm such an  
10          excellent negotiator, I agreed to that.

11                 I just want to build it. I have the money.  
12          I have the 40,000 members. I just want them to  
13          be happy. I'm not trying to get them all to be  
14          happy, but I'm going to do everything I can to  
15          get as close to a hundred percent as I can. I  
16          know we have a written agreement that doesn't  
17          even allow us to use Campana unless there's a  
18          fire. It doesn't even say we can use it in a  
19          hurricane. So, I mean, we're doing everything  
20          we can to be a good neighbor.

21                 MR. BEHAR: And we're appreciating that,  
22          and I am in support of the project. I just  
23          want to make sure that, you know, the basic  
24          components of the project are done correctly.

25                 MR. GREER: Yes.

1           MR. BEHAR:  And to me, Campana being in  
2           such close proximity to the neighborhood, you  
3           want to make sure that the service area is not,  
4           you know --

5           MR. GREER:  We felt that way.  You know, we  
6           had a trash pile there before, and that's where  
7           we brought all of our trash and all the  
8           Coca-Cola trucks, and even though we made them  
9           come into our property, they didn't abide by  
10          it, they would change drivers, and they would  
11          idle in front of Maury's house --

12          MR. BEHAR:  Right.

13          MR. GREER:  -- and we'd get a call that the  
14          Coca-Cola truck's there again.  We just had to  
15          end it all.

16          MR. BEHAR:  Okay.

17          MR. GREER:  And you know, I mean, we're  
18          just basically ceding the public road, for just  
19          the residents, and we can live with it.  We can  
20          live with it.  But it's not the most convenient  
21          thing in the world, but it's going to make  
22          their lives a lot better.

23          MS. HERNANDEZ:  Right.

24          MR. GREER:  They think, at least.  I mean,  
25          I hope their lives are good.  But it's going to

1 make their lives -- they're not going to have  
2 to worry about our interference.

3 MS. HERNANDEZ: You indicated that you  
4 received a call from a board member. What  
5 board are you talking about?

6 MR. GREER: One of the board -- a board  
7 member of the Campana Homeowners' Association.

8 MS. HERNANDEZ: I just wanted to be sure.

9 MR. GREER: Yeah, she was -- she was --

10 MR. BEHAR: She's referring to one of us.

11 MR. GREER: Yeah. No, no, no, no, no. No,  
12 we knew -- we knew it's like -- you know.

13 MR. COE: We got terrified, what board  
14 you're telling us.

15 MS. HERNANDEZ: We just got paralyzed when  
16 you said that.

17 MR. GREER: No, no. I'm terribly sorry.  
18 We've met -- Maury Donsky has made this a  
19 career, this negotiation, and Mr. Segall is a  
20 very good lawyer, and, you know, it is what it  
21 is. I mean, we have agreed to virtually  
22 everything they -- not virtually, everything  
23 they have proposed, and more.

24 Maury's on vacation, thinking it was 125  
25 feet, the Staff thought 75 was enough, and I

1           have agreed to 250. You know, I mean, I hope  
2           that just says it all. We really just want to  
3           move forward with peace and harmony, so --

4           MR. AIZENSTAT: If I may ask you, when you  
5           have events, parties and so forth --

6           MR. GREER: Yes.

7           MR. AIZENSTAT: -- do you only have them at  
8           certain times, or are you open -- is your  
9           calendar fully open, any day that's open --

10          MR. GREER: It's open any day. It's open  
11          any day, and we try to comply with the Code,  
12          and we have all sorts of restrictions on people  
13          coming. We have fines if they play too loud,  
14          too long. We always have policemen at all of  
15          our events for security, so it wouldn't be that  
16          hard to monitor what we do, because they're  
17          there anyway, and we would welcome the  
18          monitoring. We don't -- you know, we're not  
19          trying to violate the law. We're just  
20          trying -- That's what pays our bills. This is  
21          a charity, and that's what pays our bills. We  
22          need to have those events. We don't have those  
23          events because we love events, although we do  
24          love events. We have those events because  
25          that's how we keep Fairchild alive.

1           MR. COE:    So you never have loud music at  
2           midnight?

3           MR. GREER:   I'm sure we have had loud music  
4           at midnight, and I'm sure that there have been  
5           times when the band played too long.  We have a  
6           provision that they forfeit a thousand dollar  
7           deposit and that they're never allowed to come  
8           back, and we would pleased to have a policeman  
9           standing there, you know, with one of those  
10          switches to turn off the electricity.

11          Whatever it's going to take, we want to  
12          stay within the Code.  We want to be good  
13          neighbors.  This is a wonderful place.  I'm a  
14          volunteer.  I've been volunteering there for 30  
15          some years, and I've been going to outside  
16          events there since I was in high school.  So I  
17          understand the issues.  Why did I agree to  
18          everything on Campana?  I want them to be  
19          happy.  Can I agree never to play music?  No.  
20          That would bankrupt us.  But I can agree to  
21          abide by every single law that there is, and to  
22          have teeth in it, as you suggested.  You don't  
23          need to send the police out.  We have police  
24          already there, and we have fines for the people  
25          who might violate.  We don't want to violate

1 the law. We just want to run what we think is  
2 the best, but some people think is only one of  
3 the two best, tropical botanic gardens in the  
4 world. That's all we want to do. So, you  
5 know, we feel good about what we're doing, and  
6 that we're a good neighbor.

7 MR. AIZENSTAT: So is it that you do  
8 require the individuals who are holding the  
9 events to hire off-duty police officers?

10 MR. GREER: No, we do.

11 MR. AIZENSTAT: You hire them?

12 MR. GREER: We do, because we are --

13 MR. AIZENSTAT: And you hire them for every  
14 single event?

15 MR. GREER: Yes. Yes. Mango Festival,  
16 this week -- We have -- you know, we -- yes,  
17 because we don't want to have -- We, so far,  
18 thank goodness, have never had any event, so to  
19 speak, and we have that because we have a lot  
20 of security. We have one of the most  
21 world-famous plant collections. Our original  
22 motivation, and maybe our primary motivation,  
23 is that we not have theft, because we have a  
24 very important plant collection, and we don't  
25 want people roaming around. We had, before, at

1           one of the hurricanes, we had somebody steal  
2           something, and so we have now 24/7 security, at  
3           our own expense, plus we take off-duty  
4           policemen, because we think it adds a little  
5           sort of seriousness to anybody's thought that  
6           they might want to get out of hand.

7           So it wouldn't be hard if you wanted to  
8           monitor our sound or anything else.

9           MR. AIZENSTAT: That would be -- I was just  
10          thinking that would be a great way to handle  
11          the noise and the time frame and so forth, if  
12          they have a police officer. Is there a way --  
13          Is it written in here that during any events,  
14          that they would have to have an off-duty police  
15          officer? What better person to control the  
16          level of noise and the times and so forth than  
17          such an individual?

18          MS. KEON: But when that person is there  
19          and present, they're there as an employee of  
20          the Garden.

21          MR. AIZENSTAT: True.

22          MS. KEON: They're not there as an employee  
23          of the City, and it would really be from the  
24          City's perspective that you need to do that  
25          monitoring.

1 MR. AIZENSTAT: That's true.

2 MS. HERNANDEZ: Are we talking about the  
3 officers?

4 MS. KEON: Yes.

5 MR. AIZENSTAT: Yes.

6 MS. HERNANDEZ: When a police officer is on  
7 an off-duty assignment, any incident, they're  
8 on duty, if they have to take any action for  
9 law enforcement purposes, so --

10 MR. AIZENSTAT: I mean, I would feel more  
11 comfortable if it was --

12 MS. HERNANDEZ: Sorry, but they are,  
13 because I would have to cover their workers'  
14 comp.

15 MR. COE: Feel more comfortable with what?

16 MR. AIZENSTAT: I would feel more  
17 comfortable if we could incorporate something  
18 like that within what is allowed or what is  
19 required for an event, to try to control the  
20 noise a little better.

21 CHAIRMAN KORGE: In other words, codify  
22 what you already are doing and clarify that the  
23 officers will be instructed to be sure that the  
24 event complies with the sound ordinance, the  
25 noise ordinance.

1           MR. COE:   Mr. Chairman, I think we're  
2           overstepping the jurisdiction of this Board.

3           CHAIRMAN KORGE:   Why is that?

4           MR. AIZENSTAT:   Why?  I've read in the next  
5           agenda that we're requiring them to have an  
6           off-duty officer.

7           MR. COE:   But they already have off-duty  
8           officers at their expense.  The four  
9           applications -- I think what you're suggesting,  
10          which is all fine and good, I think that goes  
11          beyond the purview of what's in front of us,  
12          and I don't think to now require them to --  
13          what they've already volunteered that they  
14          have, to have off-duty police officers at  
15          events, is -- has anything to do with any of  
16          these applications.  I think you've gone beyond  
17          the scope of that.  And the concern I have,  
18          this may now require the redrafting of these  
19          applications, and they may require the  
20          renegotiation with the homeowners' association,  
21          because once you start going down that slippery  
22          slope of having police -- and we're now going  
23          to start incorporating its own noise violation  
24          sections of the Code, site-specific to Tropical  
25          Gardens, which then may become spot zoning.  I

1 think it's very dangerous, what you're  
2 suggesting, with all due respect, Mr. Chairman.

3 MR. AIZENSTAT: I'm only suggesting it  
4 during events on behalf -- whether they be at  
5 night or at certain times. For me, I don't see  
6 a problem with that.

7 MR. COE: The applicant has already told  
8 you, they do that as a matter of course.

9 MR. AIZENSTAT: There should be no problem  
10 putting it in, then.

11 MR. BEHAR: As part of the covenant.

12 MR. AIZENSTAT: As part of the covenant  
13 that's being done.

14 CHAIRMAN KORGE: What do you think?

15 MR. GREER: I'm going to do whatever you  
16 all say. I just want to build my building. We  
17 already do it. I mean, don't -- I bristle a  
18 little at having these requirements, because I  
19 think I'm just a citizen who follows the law.  
20 I don't think you have to tell me again. You  
21 know, a little bit, that -- but if you told me  
22 I had to do it, I mean, I'm not going to -- I'm  
23 not going to say anything except "Yes, sir" or  
24 "Yes, ma'am," you know, but I don't think you  
25 need to do that to me. I mean, we're doing it,

1           and, you know, we have our own penalties we've  
2           created.  But if you said, "You have to do it,"  
3           I'll do it.

4           MR. AIZENSTAT:  I just want you to  
5           understand, for me, personally --

6           MR. GREER:  Yeah.

7           MR. AIZENSTAT:  -- I can't speak for the  
8           rest of the Board --

9           MR. GREER:  Yes, sir.  Yes, sir.

10          MR. AIZENSTAT:  -- I have a concern with  
11          the noises that emanate out of the property  
12          during night weddings, bar mitzvahs or whatever  
13          it is.

14          MR. GREER:  Right.

15          MR. AIZENSTAT:  And you may not be there  
16          that night.

17          MR. GREER:  Right.

18          MR. AIZENSTAT:  There may be somebody else  
19          that's just working that shift or working that  
20          time, and to deal with the problem, you'll hear  
21          about it the next day or the following day or  
22          afterwards.

23          MR. GREER:  Yeah.

24          MR. AIZENSTAT:  I'm just trying to have a  
25          way to deal with it at that point.  Obviously,

1 I also do understand that the residents can  
2 just pick up the phone and call the police, to  
3 enforce the Code.

4 MR. GREER: Yeah, but that doesn't -- I  
5 mean, I don't believe that's happening on a  
6 regular basis, if even occasionally --

7 MS. ZAKARIN: Yes, it is. Yes, it is.

8 MR. GREER: But if it is -- If it is -- I  
9 said if it is -- I didn't finish my sentence.  
10 But if it is, I'm open to anything. I mean, we  
11 have people who enforce it. They don't feel  
12 it's being enforced, they've stated that. If  
13 you want to put it in there and it's legal,  
14 we're going to do it, because we just want  
15 everybody to be happy.

16 MR. AIZENSTAT: Thank you.

17 MR. GREER: You know, we want to abide by  
18 the law.

19 MR. COE: All they have to do, with all due  
20 respect, Mr. Chairman, if noise is an issue and  
21 there's a violation of the Code, is, Code  
22 Enforcement will handle that. There's a  
23 hearing in front of the Code Enforcement Board,  
24 that if they're found guilty of that, will  
25 start fining them. Any continuing violations

1 will be to the extent, if it's not resolved,  
2 Fairchild Gardens would be shut down by the  
3 Code Enforcement Board. So, I mean, there's  
4 your teeth. That's the way it's supposed to be  
5 done. I think we're now getting into the  
6 purview of the Code Enforcement Department.

7 This is a slippery slope, because people  
8 will just start coming in with all these other  
9 little things that you want. You cannot have  
10 site-specific zoning for one area like  
11 Fairchild Gardens, when you have zoning that  
12 covers it City-wide. There's noise abatement  
13 ordinances that cover the City, including  
14 Fairchild Gardens. I think it's inappropriate  
15 to now try to include this, either in a  
16 covenant running with the land or any of the  
17 four proposed applications that are currently  
18 in front of us.

19 MR. AIZENSTAT: Let me ask it a different  
20 way, then.

21 Eric, when they hold a party, do they have  
22 to come before the City to get a special permit  
23 or anything?

24 MR. RIEL: No.

25 MR. AIZENSTAT: They're not required?

1           MR. RIEL: Special event permits are only  
2 required for events that are on the  
3 right-of-way.

4           MR. AIZENSTAT: That are -- I'm sorry?

5           MR. RIEL: On the right-of-way.

6           MR. AIZENSTAT: Or public land or so forth?

7           MS. HERNANDEZ: Right.

8           MR. AIZENSTAT: Let me ask the City  
9 Attorney, would that be against the law, as  
10 Mr. Coe says?

11           MS. HERNANDEZ: Well, it depends on how  
12 you're doing it. You know, when we do  
13 school -- school applications, we require them  
14 to hire off-duty police officers during certain  
15 times, to make sure that they keep the flow of  
16 traffic going, make sure there's no stacking  
17 and so forth.

18           It's totally within the province of this  
19 Board to say, you know, you will have off-duty  
20 police officers, a certain number of off-duty  
21 police officers, at whatever event.

22           I don't know whether Zeke already has that  
23 in the application or not, you know.

24           They do not?

25           MR. RIEL: No. So, before --

1           MS. HERNANDEZ: You know, Mr. Guilford,  
2           don't you typically -- I know you -- I go to  
3           events there, so I see off-duty police officers  
4           there.

5           MR. GREER: Well, if I might -- if I might  
6           make a suggestion that might satisfy your  
7           concerns, too. We could stipulate, in part of  
8           the covenant, to always have an off-duty  
9           policeman there.

10          MS. HERNANDEZ: When there's an event.

11          MR. GREER: And in fact, since you say that  
12          all off-duty policemen are there to enforce the  
13          law --

14          MS. HERNANDEZ: They always -- yeah.

15          MR. COE: They have to be.

16          MR. GREER: -- if it's okay with your  
17          interpretation of that, too, then that's fine.  
18          Then we'll have somebody there --

19          MR. AIZENSTAT: That's what I'm asking for.

20          MR. GREER: -- and that will be good.  
21          We'll just agree, all the time, to absorb that  
22          expense. I was hesitating a little because --

23          MS. HERNANDEZ: No, no, but it's only  
24          during special events --

25          MR. AIZENSTAT: Right. It's not --

1 MS. HERNANDEZ: -- when you have you have a  
2 special -- It's not all the time.

3 MR. GREER: Yeah, yeah. Yes, exactly.  
4 Yes, I meant it that way. You know, we always  
5 hold out hope that we don't have to have a  
6 policeman at some point, but as a matter of  
7 fact, we do, all the time, so it's not  
8 really -- it's probably going to add 10 percent  
9 to our expenses, because maybe there's a time  
10 when we don't, but yeah, I think that will make  
11 everyone --

12 MS. HERNANDEZ: But you already do that.

13 MR. GREER: If it works for you, and I  
14 think it works -- Liz, if it works for you --

15 MR. AIZENSTAT: Is that acceptable?

16 MR. BEHAR: Yeah.

17 MR. AIZENSTAT: Okay. That will be great.

18 MR. GREER: Yeah, we'll agree to add that  
19 in. Okay. We're happy to do it.

20 MR. SALMAN: If I may, through the Chair, I  
21 think the issue here is one of night noise, and  
22 the condition should be really modified for any  
23 nighttime events, not during normal operating  
24 hours of the --

25 MR. GREER: For nighttime events.

1           MS. HERNANDEZ: Right. I think it was only  
2           for special events.

3           MR. GREER: Well, that would make it a  
4           little easier. I think that's a great point.  
5           That's a great point, because not always do we  
6           -- I don't think you're worried about it during  
7           the day, and maybe during the day, sometimes,  
8           we don't need off-duty, but the fact is, for  
9           the last few years, we've had off-duty every  
10          time, so --

11          MS. HERNANDEZ: Right.

12          MR. COE: Right.

13          MR. GREER: I think we can just agree to it  
14          across the board, but I appreciate it.

15          MR. SALMAN: Whatever. I just don't want  
16          to overly burden you with --

17          MR. GREER: Yeah, but if it will make  
18          anybody happy --

19          MR. BEHAR: Well, if you have a special  
20          event during the day, you are going to  
21          have off-duty police there.

22          MR. GREER: We are. We are, because we're  
23          concerned about --

24          MR. BEHAR: And this is for special events.

25          MR. GREER: Yeah. You've got it. You've

1 got it.

2 MR. AIZENSTAT: Thank you.

3 MR. COE: Put it as special events. That  
4 will make everybody happy.

5 MR. GREER: I think so.

6 MS. HERNANDEZ: Right.

7 CHAIRMAN KORGE: I just have a quick  
8 question, for clarification. There are a  
9 couple of covenants, one for landscaping and  
10 the other for drainage, and when I read them, I  
11 wasn't entirely sure. I assume it includes  
12 maintenance of the landscaping and the  
13 drainage, but it wasn't quite clear, and if you  
14 could clarify that language when you --

15 MR. GREER: We can do that. We're pretty  
16 excited about helping them with the  
17 landscaping. I mean, that's our thing.

18 CHAIRMAN KORGE: I assume you can do it.

19 MR. RIEL: It's a City Code requirement, in  
20 terms of maintenance.

21 CHAIRMAN KORGE: Okay. Thank you very  
22 much.

23 MR. GREER: Okay.

24 CHAIRMAN KORGE: Any more questions or  
25 discussion of the Board? If there's going to

1           be a motion, we need to break them into four  
2           motions, for the four recommendations,  
3           Paragraphs 1 through 4, at the top of Page 2 of  
4           our memo from the Planning Department.

5           MS. ZAKARIN:   Excuse me, I don't know what  
6           the protocol is, but may I just add something?

7           CHAIRMAN KORGE:   Yes, please.

8           MS. HERNANDEZ:   You have to come -- I'm  
9           sorry, but in order to do so, you have to come  
10          up to the podium.

11          CHAIRMAN KORGE:   Come up to the microphone.

12          MS. ZAKARIN:   I will be happy to.

13          I think an off-duty policeman --

14          CHAIRMAN KORGE:   Would you state your name  
15          again, please?

16          MS. ZAKARIN:   I'm Arlene Zakarin, and I  
17          live on Campana, for 37 years.

18          I think an off-duty policeman certainly  
19          could be helpful. I will tell you, over the  
20          years, I have called the police many a time at  
21          night, who have gone over there. I'm not sure  
22          what they've done. But in speaking to Ann  
23          Schmidt, even recently, and I asked, "Who is  
24          there to make sure the rules are followed," she  
25          told me the maintenance people. An off-duty

1 police officer, or any police officer, is not  
2 going to tell the band, "Turn the speakers back  
3 where they're supposed to be." You really need  
4 somebody of authority there from the Garden, on  
5 the staff, who will say, "Don't move the  
6 speakers. Face the speakers away."

7 An off-duty policeman, that's not their  
8 job. They're there for security and safety.  
9 So, if we're going to move ahead with this and  
10 try to quiet it down when there's an event  
11 there, I think the Garden has to have somebody  
12 in place, of authority, who will make sure that  
13 all the equipment is where it's supposed to be.

14 Thank you.

15 CHAIRMAN KORGE: Thank you.

16 MS. HERNANDEZ: No, Mr. Chairman, it is  
17 routine and part of the protocol that the  
18 police officers who work off-duty jobs, in all  
19 events, will, at the appropriate time, say,  
20 "It's time to shut down," and when the noise is  
21 out of hand and there's a complaint, will  
22 require that the noise be contained.

23 CHAIRMAN KORGE: Well --

24 MS. HERNANDEZ: And on more than one  
25 occasion, I've been called because someone's

1           been arrested because they have failed to  
2           comply, so, you know, I know this occurs.

3           CHAIRMAN KORGE: Well, I think the point --

4           MR. COE: And also, Mr. Chairman, I do want  
5           to clarify, we keep using the term "off-duty  
6           policeman." There's no such animal.

7           MS. HERNANDEZ: Right.

8           MR. COE: An off-duty policeman does not  
9           exist. Sworn officers are police officers,  
10          24/7, and they may not be on a particular  
11          assignment; they're not off duty. Police  
12          officers are police officers.

13          CHAIRMAN KORGE: Right, but they're still  
14          getting the noise. I think that was the point.

15          MS. HERNANDEZ: Right.

16          CHAIRMAN KORGE: You know, the officers are  
17          there, and maybe they're enforcing, maybe  
18          they're not enforcing, but there is a noise  
19          problem, and what I hear from the Gardens is  
20          that they don't want there to be a noise  
21          problem and they're going to be more aggressive  
22          in addressing that, perhaps instructing the  
23          officers to be sure that there is no noise  
24          problem, and to turn the speakers away, like  
25          they've agreed in their covenant, and if

1 enforcement, as you said, Jack, is a recurring  
2 problem, I guess it will go before the Code,  
3 because I think the neighbors are ready to, you  
4 know, pounce, at this point, understandably so.

5 So, anyway, any further discussion or  
6 questions? A motion, perhaps?

7 MR. FLANAGAN: Mr. Chair, I move the first  
8 item, the rezoning from Single Family  
9 residential to Special Use, in accordance with  
10 Staff's rec (sic).

11 MR. BEHAR: Second it.

12 CHAIRMAN KORGE: Incorporating the findings  
13 of Fact in the Staff Report, and subject to the  
14 conditions recommended, which have been  
15 accepted by the applicant?

16 MR. FLANAGAN: Yes.

17 CHAIRMAN KORGE: Okay, a motion and a  
18 second.

19 MR. COE: That's including, Mr. Chairman,  
20 the changes to the covenant that runs with the  
21 land.

22 MS. HERNANDEZ: That's not -- That's a  
23 private remedy.

24 MR. RIEL: Just a point of clarification.  
25 Does that include the speakers turned away?

1           MR. COE: Well, wait a minute. If you say  
2 it's a private remedy --

3           MS. HERNANDEZ: It is a private remedy.

4           MR. COE: Well, then, we're going to do it  
5 two different ways. If it's a private remedy,  
6 then --

7           MR. RIEL: If I may, Mr. Chair --

8           CHAIRMAN KORGE: Yeah.

9           MR. RIEL: A point of clarification. Does  
10 that include the speakers turned away from the  
11 residential? And does it also include --

12           MS. HERNANDEZ: Is that Staff's  
13 recommendations?

14           MR. COE: No. It's not part of it.

15           MR. RIEL: No, it's not included in Staff's  
16 recommendations.

17           MS. HERNANDEZ: Is it proffered by the  
18 applicant?

19           MR. RIEL: It's proffered by the applicant.

20           MS. HERNANDEZ: Then the Board can accept  
21 what's been proffered by the applicant, and  
22 include it in the conditions of approval.

23           MR. COE: Including the --

24           MR. RIEL: Correct, but the applicant  
25 indicated as part of the covenant. Staff would

1           like it in as part of the conditions of  
2           approval.

3           MR. COE:    Right, including the off-duty  
4           policeman and so forth.

5           CHAIRMAN KORGE:   Will you have a problem  
6           including it in the conditions of approval,  
7           Mr. Guilford?

8           MR. GUILFORD:   No, we do not, Mr. Chairman.

9           CHAIRMAN KORGE:   Okay, thank you.

10          MR. FLANAGAN:   While we're on that, Madam  
11          Attorney, is it appropriate to do it on the  
12          rezoning, or is it more --

13          MR. RIEL:    Item number --

14          MR. FLANAGAN:   -- better suited on the PAD  
15          agreement?

16          MR. RIEL:    Item Number 4, the PAD.

17          MS. HERNANDEZ:   On the PAD.

18          MR. FLANAGAN:   So those are inapplicable to  
19          this current motion.

20          MS. HERNANDEZ:   Okay.

21          MR. COE:    Second the motion.

22          CHAIRMAN KORGE:   Moved and seconded.   Any  
23          discussion?

24          Hearing no discussion, we'll call the roll,  
25          please.

1 MS. MENENDEZ: Jack Coe?  
2 MR. COE: Yes. Yes.  
3 MS. MENENDEZ: Jeff Flanagan?  
4 MR. FLANAGAN: Yes.  
5 MS. MENENDEZ: Pat Keon?  
6 MS. KEON: Yes.  
7 MS. MENENDEZ: Javier Salman?  
8 MR. SALMAN: Yes.  
9 MS. MENENDEZ: Eibi Aizenstat?  
10 MR. AIZENSTAT: Yes.  
11 MS. MENENDEZ: Robert Behar?  
12 MR. BEHAR: Yes.  
13 MR. SALMAN: Jeff, go.  
14 MS. KEON: Keep going, Jeff.  
15 MS. MENENDEZ: And Tom Korge?  
16 CHAIRMAN KORGE: Yes.  
17 Jeff, do you want to --  
18 MS. KEON: Do the next one.  
19 MR. SALMAN: Do the next one.  
20 MR. FLANAGAN: All right.  
21 MR. COE: You're on a roll.  
22 MR. BEHAR: You're on a roll.  
23 MR. FLANAGAN: A motion to approve Item  
24 Number 2, which is the amendment to the Zoning  
25 Code, Special Use District, providing for the

1 permitted uses within a botanical garden, all  
2 in accordance with Staff's recommendation.

3 MR. COE: Second the motion.

4 CHAIRMAN KORGE: And subject to the  
5 conditions --

6 MR. FLANAGAN: Subject to the conditions --

7 CHAIRMAN KORGE: Moved and seconded.

8 MR. FLANAGAN: -- and anything proffered.

9 CHAIRMAN KORGE: Moved and seconded. Any  
10 discussion?

11 Hearing none, we'll call the roll.

12 MS. MENENDEZ: Jack Coe?

13 MR. COE: Yes.

14 MS. MENENDEZ: Jeff Flanagan?

15 MR. FLANAGAN: Yes.

16 MS. MENENDEZ: Pat Keon?

17 MS. KEON: Yes.

18 MS. MENENDEZ: Javier Salman?

19 MR. SALMAN: Yes.

20 MS. MENENDEZ: Eibi Aizenstat?

21 MR. AIZENSTAT: Yes.

22 MS. MENENDEZ: Robert Behar?

23 MR. BEHAR: Yes.

24 MS. MENENDEZ: Tom Korge?

25 CHAIRMAN KORGE: Yes.

1           Jeff, do you want to --

2           MS. KEON:    Go, Jeff.

3           MR. SALMAN:   Come on.

4           MR. COE:    Once you start these things,  
5           you've got to --

6           CHAIRMAN KORGE:  You just got it down  
7           right.

8           MS. HERNANDEZ:  You're on a -- You're on  
9           a --

10          MR. COE:    You're on a roll.

11          MR. FLANAGAN:  All right, motion to approve  
12          Ordinance Number 3, the amendment to the  
13          Fairchild Garden Master Site Plan, all in  
14          accordance with Staff's recommendation, the  
15          findings of fact, anything proffered by the  
16          applicant, and whatever else we need.

17          MS. HERNANDEZ:  Okay.  Is there a second?

18          CHAIRMAN KORGE:  Second, anybody?

19          MR. COE:    Second the motion.

20          CHAIRMAN KORGE:  Second.  Any discussion?  
21          Hearing none, we'll call the roll, please.

22          Ms. MENENDEZ:  Jack Coe?

23          MR. COE:    Yes.

24          MS. MENENDEZ:  Jeff Flanagan?

25          MR. FLANAGAN:  Yes.

1 MS. MENENDEZ: Pat Keon?

2 MS. KEON: Yes.

3 MS. MENENDEZ: Javier Salman?

4 MR. SALMAN: Yes.

5 MS. MENENDEZ: Eibi Aizenstat?

6 MR. AIZENSTAT: Yes.

7 MS. MENENDEZ: Robert Behar?

8 MR. BEHAR: Yes.

9 MS. MENENDEZ: Tom Korge?

10 CHAIRMAN KORGE: Yes.

11 MR. FLANAGAN: All right, I move to approve  
12 the fourth item, which is the approval of the  
13 PAD for Fairchild Tropical Garden, in  
14 accordance with the Staff rec, findings of  
15 fact, and the items proffered and accepted by  
16 the applicant, which include turning of the  
17 speakers and the off-duty police officer.

18 MR. COE: And those contained in the  
19 covenant, the proposed covenant, running with  
20 the land between the homeowners' association  
21 and Fairchild Gardens? Is that part of your  
22 motion?

23 MS. HERNANDEZ: Mr. --

24 MR. FLANAGAN: No, that's not part of my  
25 motion. I don't think we can make that.

1           That's an agreement between two private  
2           parties.

3           MR. COE:    I would.

4           MS. KEON:   But they're asking that we do.

5           MS. HERNANDEZ:  And my recommendation is  
6           not --

7           MR. COE:    I would.

8           MS. HERNANDEZ:  -- to include a private  
9           restrictive covenant.  There are certain  
10          provisions of private restrictive covenants  
11          that, while private parties may engage in,  
12          should the City engage in, it may  
13          potentially -- I would have to sit down and go  
14          through each condition that has been submitted  
15          and take it up as a separate matter and enter  
16          into a tri-party agreement.  So I would  
17          recommend at this time that they keep it as a  
18          private restrictive covenant between the  
19          parties, and it's a private cause of action  
20          that they have.

21          The City has to follow its Staff -- I don't  
22          even know that Staff has reviewed these  
23          conditions or looked at any of that, you know,  
24          so I can't make a recommendation to include  
25          that.

1           MR. COE: Well, under the advice of the  
2 City Attorney, which I always follow my  
3 attorney's advice --

4           MS. HERNANDEZ: Thank you, sir.

5           MR. COE: -- I'll withdraw that portion of  
6 my second. I guess you want to withdraw it  
7 from the main part of your motion.

8           MR. FLANAGAN: It wasn't accepted, so --

9           MR. BEHAR: I'll second it.

10          CHAIRMAN KORGE: Okay. So we're good to go  
11 on this, right? Any discussion?

12          No, okay. Let's call the roll, please.

13          MS. MENENDEZ: Jack Coe?

14          MR. COE: Yes.

15          MS. MENENDEZ: Jeff Flanagan?

16          MR. FLANAGAN: Yes.

17          MS. MENENDEZ: Pat Keon?

18          MS. KEON: Yes.

19          MS. MENENDEZ: Javier Salman?

20          MR. SALMAN: Yes.

21          MS. MENENDEZ: Eibi Aizenstat?

22          MR. AIZENSTAT: Yes.

23          MS. MENENDEZ: Robert Behar?

24          MR. BEHAR: Yes.

25          MS. MENENDEZ: Tom Korge?

1           CHAIRMAN KORGE:  Yes.  Thank you very much.

2           MS. HERNANDEZ:  Mr. Segall, will you have a  
3 recorded covenant --

4           MR. GUILFORD:  Thank you all very much.  We  
5 appreciate it.

6           MS. HERNANDEZ:  -- by the time it goes to  
7 the City Commission?

8           MR. COE:  Thank you, Zeke.  Good job.

9           MR. AIZENSTAT:  Good luck.

10          MS. HERNANDEZ:  Will you have a recorded  
11 covenant?  It's always good to see you.  Will  
12 you have a recorded covenant by the time it  
13 gets to the City Commission?

14          MR. GUILFORD:  Yes.

15          MS. HERNANDEZ:  Okay, great, and you'll  
16 give me --

17          MR. GUILFORD:  That's August 24th, right?

18          MS. HERNANDEZ:  And you'll give me --  
19 Right.  You'll give me a copy of it so that we  
20 have it as --

21                 (Discussion off the record)

22                 (Thereupon, a brief recess was taken.)

23          CHAIRMAN KORGE:  We're back.  Let's  
24 continue with the next application, which is  
25 Application Number 00-09-092-P, Planned Area

1           Development Assignment and Site Plan Review for  
2           Gulliver Academy, Master Campus Site Plan.

3           Ms. Russo?

4           MS. RUSSO: Good evening, Mr. Chairman,  
5           Members of the Board. For the record -- I'm  
6           trying to get that just right.

7           For the record, my name is Laura Russo, and  
8           I'm here this evening representing Gulliver  
9           Academy.

10          I would like, at this moment, to introduce  
11          some of the other people who are here with me  
12          on the team. I have Mrs. Marian Krutulis, who  
13          is Director Emeritus of Gulliver Academy.

14          If you could raise your hand for me, Ms.  
15          Krutulis.

16          I also have here Mr. John Krutulis, who is  
17          head of the school, and Mr. Jeff Bartel, who is  
18          Chairman of the Board of Trustees and the  
19          President of Gulliver Schools.

20          MR. RIEL: Ms. Russo, I'm sorry, may I  
21          interrupt you? We need to close the door,  
22          because we're getting feedback, and we can't  
23          hear.

24          MS. RUSSO: Oh. Is there any way to see if  
25          the volume can be adjusted on the monitor

1           that's outside? I know earlier -- We have a  
2           lot of people, supporters here, and there is  
3           that TV, and they can follow and listen if we  
4           can perhaps ask the audio consultants upstairs  
5           if they can make sure that --

6           MR. RIEL: We'll do that.

7           MR. COE: Wally, will you take a look and  
8           see if that's done?

9           MS. RUSSO: Thank you.

10          I'd also like to introduce the rest of the  
11          team. I have Gary McGraw, of Gili-McGraw  
12          Architects; Mr. Tim Plummer, of David Plummer  
13          and Associates, my traffic engineer; and  
14          Mr. Ken Gardner, our landscape architect.

15          I'd like to take a little moment and give  
16          you a history, for those of you who do not know  
17          the history of Gulliver in our community.  
18          Gulliver was actually founded back in 1926, but  
19          the Gulliver that we know today is the Gulliver  
20          of Mrs. Marian Krutulis, when she took over in  
21          the '50s, and then more so, when she moved  
22          first the campus to Coral Gables, on the site  
23          that it currently has right now, at 12595 Red  
24          Road.

25          Gulliver Schools is now composed of five

1 campuses, the first one being Gulliver Academy,  
2 the one that is the subject of tonight's  
3 hearing, and the only one that is in the City  
4 of Coral Gables.

5 I'm sure all of you know about Gulliver.  
6 It has been an innovator in education. It's a  
7 class scholastic academics, sports -- I mean,  
8 the graduates of Gulliver are seen anywhere  
9 from athletics, arts, politics, business, and  
10 part of it is because -- and actually, the real  
11 reason is because of the educational mission  
12 that they have. It's educating the whole  
13 person. It's not just one focus. And they've  
14 been very innovative in their curriculum.

15 I don't know if you know, but they were the  
16 first private school to have the International  
17 Baccalaureate Program. That program has now  
18 come all the way down to the middle school.  
19 They were the first one to address learning  
20 disabilities and to actually have campuses that  
21 deal entirely with different learning skills  
22 that are needed and then integration back into  
23 the medium -- mainstream schools.

24 And so the reason we are here is because  
25 there was a Master Plan that was approved back

1 in 1998, but education has changed drastically  
2 since 1998. We're in the year 2010. And  
3 before I go any further, I want to make it just  
4 absolutely clear, there is no increase in  
5 enrollment. There is a student enrollment cap,  
6 okay? We are not here to ask for any increase  
7 in the number of students. What we're talking  
8 about here is a facilities Master Plan. We --  
9 The school needs some buildings. There are  
10 buildings there that date back to the '60s and  
11 '70s, and those of you know that a lot of  
12 infrastructure, new infrastructure, is needed  
13 in terms of computer internet access, but also,  
14 this campus is a campus that doesn't have a  
15 public assembly area. It houses children from  
16 the ages of pre-K all the way through eighth  
17 grade, and when you look at the proposed Master  
18 Plan -- you're going to get a little brief  
19 PowerPoint from the architect and the traffic  
20 engineer -- what you're going to see is that  
21 we're requesting some new classroom buildings,  
22 most of them taking the place of existing  
23 classroom buildings. We're taking those out  
24 and putting new ones in. There is a proposed  
25 pavilion building. But the two structures are

1 the gym -- we're calling it a gymatorium. It  
2 takes the place of an auditorium and a  
3 gymnasium. So it houses the public assembly.

4 Right now, for public assembly purposes,  
5 there are bleachers with sort of a cover on it.  
6 So, when there's inclement weather, which, as  
7 you know, in South Florida, is often, it's very  
8 difficult, and it actually doesn't seat -- you  
9 know, they can't do large numbers of kids  
10 inside. So the gymatorium would solve a lot of  
11 issues for performances, for the graduation of  
12 the eighth grade, for kindergarten graduation.  
13 It also is going to house indoor -- There's a  
14 current outdoor basketball field. Basketball  
15 goes indoors, volleyball, PE classes can take  
16 place, et cetera.

17 There's also a proposed natatorium. The  
18 natatorium is to go over the swimming pool.  
19 There currently are two existing swimming pools  
20 on campus, on the south side. The purpose of  
21 this is twofold. One is to protect the  
22 children from sun exposure. I'm sure all of  
23 you have heard that the incidence of skin  
24 cancer has become -- has actually increased  
25 tremendously. The current outdoor -- you know,

1 the covering of the pool would allow protection  
2 from the sun. It's also a noise reducer.

3 So there are reasons, and when you look at  
4 those two -- the two buildings, the natatorium  
5 and the gymnasium compose the majority of the  
6 proposed Master Plan.

7 Before I bring on the consultants to show  
8 you, I want to let you know that we have met  
9 with neighbors. Although you're seeing me here  
10 for the first time, I have been working with  
11 Staff easily over a year. I think you saw,  
12 from your materials, our first DRC presentation  
13 may have gone back as far as 2006, and then I  
14 think we had another one in 2009. We've been  
15 working with Staff.

16 Some of the things, we were doing some  
17 internal design and decision-making, but we  
18 filed our application in September of '09. We  
19 went to the Board of Architects. We met with  
20 representatives of the Board of Directors of  
21 the Gables-By-The-Sea Homeowners' Association.

22 In noticing for the hearing, we've agreed  
23 to a notice that exceeds the normal notice.  
24 Usually notice is a thousand square feet -- I'm  
25 sorry, a thousand linear feet from the

1 property. We agreed to send notice out to  
2 1,500 square (sic) feet.

3 In appearing before the Board of  
4 Architects, we did not go through the normal  
5 procedure, but rather waited extra time, to  
6 make sure that all the proper postings -- that  
7 everybody had an opportunity to see the  
8 property was posted and for Staff to advise  
9 neighbors who had shown up at the first meeting  
10 that there was a second meeting.

11 The homeowners currently -- and has for a  
12 while -- conduct some of its board meetings on  
13 the campus. We had asked to make a  
14 presentation at one of their homeowners'  
15 meetings, and when it didn't fit into their  
16 agenda, we then had -- we invited the  
17 Gables-By-The-Sea homeowners and  
18 Pinecrest-By-The-Sea homeowners to our  
19 neighborhood meeting, which we held on May  
20 19th. You will hear from the homeowners'  
21 association attorney. We've met with him  
22 extensively and provided him a tour of the  
23 facility.

24 So this is something that's been ongoing,  
25 and they have a couple of issues, and you'll

1           hear from Mr. Andrew Dickman, who represents  
2           them. But one of their big issues that I kind  
3           of want to lay out on the table now is the  
4           service entrance to Campamento.

5                   Campamento -- Let me just give you guys a  
6           little logistics. Gulliver Academy, way down  
7           on Red Road, and it's where Red Road is closed  
8           off. If you go all the way down Red Road to  
9           Old Cutler, Campamento is the south boundary of  
10          the school, Bernal Street is the east boundary  
11          of the school, Cartagena is the north boundary,  
12          and Red Road is the west boundary of the  
13          school.

14                   Back in 1995, the residents in the  
15          Gables-By-The-Sea area wanted to have a guard  
16          house and wanted to do a special taxing  
17          district. So part of the agreement to have the  
18          district include the Gulliver Academy campus  
19          was to close Red Road. Gulliver, at that time,  
20          had its middle school -- kids, fifth through  
21          eighth grade, were actually dropped off on  
22          Campamento, and part of the sort of coming  
23          together of the three groups, because it  
24          involved Miami-Dade County, it involved the  
25          City of Coral Gables, it involved the

1 homeowners' association, and Gulliver Academy,  
2 was to allow Gulliver to maintain a service  
3 entrance for deliveries and for maintenance,  
4 and to construct a parking lot for 70 parking  
5 spaces, which is on the south side of the  
6 campus, on Campamento, for faculty and staff  
7 and employees.

8 And then the service entrance is closed by  
9 a gate, and it's actually the County that  
10 handed out the gates (sic) to the people who  
11 were allowed to use them and provides the  
12 codes. This was all part of the special taxing  
13 district that was done. The County was  
14 responsible for erecting a fence that was  
15 placed on the south side and the east side of  
16 the Gulliver campus, and the City of Coral  
17 Gables was to pay for the road closures and the  
18 actual improvements done at Red Road, and  
19 Gulliver then paid for all the changes to the  
20 front of its campus, in order to allow for all  
21 the kids that had been on Campamento to be  
22 dropped off now on the Red Road side.

23 I know that the neighbors have an objection  
24 to the use of Campamento access, but the Fire  
25 Department needs it. It's a large campus.

1           There has to be a way to get through, and the  
2           campus is a pre-existing facility. We're not  
3           starting from scratch. So we're trying to work  
4           around an existing campus, and maintenance,  
5           cafeteria -- right now deliveries are made  
6           directly to the entrance and the maintenance  
7           facility, and that is where the cafeteria is  
8           located, and so I know it's an issue that's  
9           going to come up, but it's part of an agreement  
10          and it's part of your package, is the road  
11          closure agreement that was -- and the special  
12          taxing district that was part of the agreement  
13          back in -- I think it's 1996, and it's part of  
14          your package, in our submittal.

15                 At this point, I'd like to have Mr. Gary  
16          McGraw come up --

17                 MR. COE:   Mr. Chairman --

18                 MS. RUSSO:  -- and take you through,  
19          because when you see it on a PowerPoint, you'll  
20          see some aerials and it will pinpoint you --  
21          It's a very short --

22                 MR. COE:   Before Ms. Russo leaves the  
23          podium, I have one question --

24                 MS. RUSSO:  Sure.

25                 MR. COE:   -- I want to ask.

1           Have you seen the petition to reject the  
2           Master Plan, filed by, it looks like, some 83  
3           alleged adjacent homeowners?

4           MS. RUSSO: I was handed a copy of it this  
5           evening when I showed up. I haven't had an  
6           opportunity yet, but --

7           MR. COE: Because my question was whether  
8           or not your client has met with any of the  
9           individuals contained in this petition.

10          MS. RUSSO: Well, we've met with some of  
11          the individuals of Gables-By-The-Sea. I have a  
12          list that was turned in to the City. I want to  
13          say we had about 50 some, 60 some people from  
14          Gables-By-The-Sea and Pinecrest-By-The-Sea that  
15          attended the May 19th neighborhood association  
16          meeting.

17          So, unless I took the two to compare -- but  
18          I'm assuming some of the people that are here,  
19          we've met with, and some of the people that --

20          MR. COE: That's what I was trying to find  
21          out, because most of the -- in fact, all the  
22          dates are since the May date you have  
23          referenced. They're all in June.

24          MS. RUSSO: Uh-huh.

25          MR. COE: So I wonder if these people

1 missed or they were just dissatisfied or your  
2 client couldn't work out the issues that were  
3 raised.

4 MS. RUSSO: It could be --

5 MR. COE: You don't know?

6 MS. RUSSO: I don't know. It could be all  
7 of the above.

8 MR. COE: Okay, fine.

9 MS. RUSSO: It could be all of the above,  
10 and I'm sure Mr. Dickman is going to make that  
11 clear.

12 MR. COE: Thank you.

13 MS. RUSSO: And now I'm going to have --  
14 it's a brief presentation, but it orients you  
15 and gives you an opportunity to see the  
16 proposed Master Plan, which, by the way, so you  
17 understand -- It's the feedback, I think,  
18 from --

19 MR. COE: We're getting feedback.

20 MS. RUSSO: -- is not going to -- is not  
21 going to occur all at one time. So you know,  
22 Gulliver is a not-for-profit, so these are all  
23 donor-driven projects, and the Master Plan is  
24 sort of like the future land use. This is what  
25 we'd like to do, if and when we're able to do

1           it.

2           Gary, you ready?

3           MR. MCGRAW:   Yes.

4           MS. RUSSO:   You may want to take -- that  
5 way you can move around.

6           MR. MCGRAW:   Can you hear me?

7           MR. COE:   No.  I don't think the mike's is  
8 on.

9           We're having microphone problems this  
10 evening, apparently.

11          MR. MCGRAW:   Okay, I can speak to this.

12          MS. RUSSO:   Maybe that one works.  Let's  
13 try that one.

14          MR. CARLSON:  It should be -- it should be  
15 on.

16          MR. MCGRAW:   Can you hear me now?  No?

17          MS. RUSSO:   No, you have to get -- yeah --

18          MR. COE:   Now you're fine.

19          MS. RUSSO:   That one works.

20          MR. MCGRAW:   Okay.

21          MR. COE:   That works.  You're fine.

22          MR. MCGRAW:   All right, great.

23                 Thank you.  My name is Gary McGraw.  I'm  
24 with Gili-McGraw Architects.  We're the  
25 architects for Gulliver Schools' Master Plan

1 design. I want to give a brief PowerPoint  
2 presentation, and then I'll pass it on to Tim  
3 Plummer, who is going to discuss traffic  
4 issues.

5 If you could start the PowerPoint upstairs,  
6 please.

7 Okay. This is an aerial of the existing  
8 Gulliver campus, prior to any renovation taking  
9 place. The original Gulliver Schools, as Laura  
10 said, was founded on this campus in 1965, and  
11 the building that you see here was kind of an  
12 antebellum style, which was vernacular popular  
13 in the '60s, but it was the first building on  
14 the Gulliver campus.

15 Subsequent to that, new buildings were  
16 added, and in 1998, a new Master Plan was  
17 submitted and approved by the City of Coral  
18 Gables. Less than 30 percent of that Master  
19 Plan was ever built.

20 The buildings that you see in green are  
21 buildings that were approved, but never built.  
22 The buildings in blue were approved, but they  
23 were constructed.

24 MR. AIZENSTAT: But they were constructed  
25 or weren't?

1 MR. MCGRAW: Yes, they were constructed.

2 MR. COE: Approved and constructed.

3 MR. MCGRAW: That's correct. They were all  
4 approved. Only 30 percent were constructed.

5 MR. COE: Okay.

6 MR. MCGRAW: Why revise the previous Master  
7 Plan? Some classrooms, as Laura said, are now  
8 almost 50 years old. Classroom technology has  
9 advanced, and there are new programs Gulliver  
10 has, such as their language -- their expanded  
11 language programs, their IB program, and they  
12 have now started an engineering program.

13 Some classrooms also have two teachers per  
14 classroom, a floating teacher. This new Master  
15 Plan would enable those teachers to then have  
16 their own classroom. But again, I want to  
17 express that there is no proposed increase in  
18 enrollment cap for the school as a result of  
19 this revised Master Plan. We're merely  
20 providing better facilities for the kids that  
21 are there.

22 The children currently can't play outside  
23 in inclement weather. The new buildings would  
24 enclose basketball, volleyball and swimming all  
25 inside of buildings, which would also control

1 noise issues, which can be a problem adjacent  
2 to a school. Also, the children would now be  
3 protected, in most of these activities, from  
4 the sun. We've internalized basketball,  
5 swimming and public assembly. There's no place  
6 right now for the children to assemble inside a  
7 building.

8 A few of the public ordinances and such  
9 that relate to this sort of thing. The  
10 accreditation standards require certain square  
11 footages for each child in the playgrounds.  
12 Also, you're required to have shading  
13 considerations in playground areas, by the  
14 Consumer Product Safety Commission. And the  
15 area should also be adjacent to the classrooms  
16 that the children are going to class in.

17 This is the proposed Gulliver Master Plan  
18 expansion. The buildings in white are the  
19 buildings that we're proposing, and the overall  
20 ultimate build-out. The buildings in gray are  
21 buildings that are existing.

22 This is the existing campus. You can see  
23 Campamento Avenue on the south, Bernal Street  
24 on the east. On the north side is the  
25 Montgomery property. Halfway down,

1           approximately, down the eastern side of the  
2           site, you're already into mangrove. Red Road  
3           fronts the property, and where the buildings  
4           meet the tennis courts, there is a 10-foot  
5           drop-off. There's a bluff that runs there.  
6           It's a coral ridge that runs across the  
7           property. So the field is actually 10 feet  
8           lower in elevation than the elevation where the  
9           existing school buildings are.

10                    These are the lower classroom playground  
11                    areas. They're adjacent to their existing  
12                    classes.

13                    These are buildings that we're proposing to  
14                    be demolished, that are already existing on the  
15                    campus, in the ultimate Master Plan build-out.

16                    This is the gymnasium/auditorium building.  
17                    We've tried to take -- which is our largest  
18                    building and our tallest building -- and put it  
19                    as far away from the neighborhood as we  
20                    possibly could. We've tucked it back up into  
21                    the bluff area, and we're almost 600 feet away  
22                    from the -- from Bernal Street, from the  
23                    right-of-way, and about 500 feet from  
24                    Campamento.

25                    The natatorium building is designed to go

1 over the existing pool area. There are two  
2 pools in the existing location. The natatorium  
3 building is simply designed to cover that  
4 activity, to get the kids out of the sun, and  
5 again, to cut down on the noise. We're  
6 requesting that the setback be changed from 80  
7 feet to 60 feet in this area.

8 This is a proposed two-story classroom  
9 building. I'll run through these others  
10 quickly. This is a pavilion building, which  
11 would have overflow dining for the kids, who  
12 now eat outside in some cases.

13 A baseball facility, and some additional  
14 classroom buildings.

15 With regards to construction phasing and  
16 construction vehicle access, we're proposing  
17 there would be no access whatsoever off of  
18 Campamento Avenue, that all access would be off  
19 of the northeast -- northwest corner of the  
20 site, and the staging area for all the projects  
21 would be the same, which is on the tennis court  
22 location. All the buildings that are proposed  
23 to be built are all around this location. We  
24 would not need to put the construction staging  
25 area anywhere else. It also gets it away,

1           again, from the neighbors. We're trying to be  
2           a good neighbor.

3           Gulliver is also looking to enhance the  
4           landscape around the property. There's an  
5           existing cherry hedge and ficus hedge around  
6           the property. They're coming back to at least  
7           do a double-tiered hedge. Along Bernal Street,  
8           we have plants that are salt-tolerant, because  
9           there's a lot of saltwater intrusion in that  
10          area, near the mangroves. And we'd come back  
11          with cocoplum, dwarf schefflera, and we're  
12          proposing a new, taller, 10-foot gate that  
13          would, of course, go before the Board of  
14          Architects for approval, but would be a  
15          stylized gate that would meet with the City's  
16          approval, that would be totally opaque, to  
17          prevent anyone from being able to view into the  
18          service yard area.

19          We're also proposing, on the island out on  
20          Red Road, to fully curb that island and to  
21          fully sod that island, which is a request of  
22          the City, and to also provide no parking signs  
23          on that island, to prevent parents from parking  
24          there.

25          Just a comparison in the density. Even

1 with the ultimate build-out that we're asking  
2 for, for Gulliver Academy, we're only looking  
3 at 61 students per acre. You can look at  
4 Riviera School, it's 392 students per acre;  
5 Ransom Everglades, 172. We're almost -- We're  
6 at half the density, even at ultimate  
7 build-out, of most all of these other schools.

8 Existing student capacity, again, is going  
9 to be unchanged. The total building lot  
10 coverage allowed is 35 percent. Even with the  
11 ultimate build-out that we're asking for, the  
12 lot will only be 15 percent built out.

13 The minimum landscaped open space required  
14 is 35 percent. With the ultimate build-out,  
15 we're almost at 65 percent of landscaped area  
16 remaining.

17 Existing buildings, one and two-story.  
18 We're looking to go to one and two-story, with  
19 parking underneath the gymnasium building.

20 The building height allowed, we're under  
21 the allowable building height, and the minimum  
22 parking required, we're well over that.

23 I wanted to show a comparison here between  
24 the first building which was on the Gulliver  
25 campus, the one at the bottom of the photograph

1 here, or the picture, built in 1965. The  
2 gymnasium/auditorium building that we're  
3 requesting, when it's built, is only eight and  
4 a half feet taller than the first building ever  
5 built at Gulliver in 1965.

6 This is a cross-section through the site.  
7 It's kind of hard to see, but again, this shows  
8 that we're only eight and a half feet -- you  
9 can see the cross-section down below here --  
10 above the first building ever built, and the  
11 first floor of the gymnasium auditorium is only  
12 two feet higher than the last house built on  
13 Bernal Street.

14 This is a section through the natatorium  
15 building, and I have some larger boards that  
16 will address this. We've tried to be, again, a  
17 good neighbor by lowering the natatorium  
18 building's elevation adjacent to Campamento  
19 Street down to 20 feet. The buildings across  
20 the street on Campamento are all one-story  
21 buildings, but they can go to two-story. If  
22 they did, they could exceed the height of the  
23 natatorium on this side. The other side of the  
24 natatorium rises to a height of 36 feet.

25 And again, we're proposing landscaping

1 along the face of the gymnasium/auditorium.  
2 You see the sabal palms, in an up-down  
3 configuration, to try to create as large a  
4 green mass at the top 10 feet of the building  
5 as we can. We do the same thing on the  
6 Campamento side of the natatorium.

7 And with that, I'll pass it on to Tim.

8 I'm not sure that works, but --

9 MS. RUSSO: It does.

10 MR. PLUMMER: Good evening. My name is Tim  
11 Plummer. I'm the president of David Plummer  
12 and Associates, with offices at 1750 Ponce de  
13 Leon Boulevard. I'm a registered professional  
14 engineer in the State of Florida, and I'm also  
15 a City of Coral Gables resident.

16 As part of this application, the City of  
17 Coral Gables requested that Gulliver Academy  
18 undertake some traffic studies. Although there  
19 is no increase in student enrollment, as has  
20 been recognized by the City, which during the  
21 morning drop-off and afternoon pick-up periods  
22 means really no increase in traffic, they asked  
23 for a traffic impact study.

24 We went through some methodology  
25 negotiations with the City. We took a look at

1 Old Cutler, the two signalized intersections,  
2 both -- one north and one south of the school,  
3 during those critical morning drop-off and  
4 afternoon peak periods.

5 They also asked us to re-look at the  
6 pick-up, drop-off and circulation that is going  
7 on at the school and see if we could recommend  
8 some improvements, and lastly, they asked us to  
9 develop a Special Events Traffic Plan, which we  
10 did.

11 Back in 2006, we undertook a comprehensive  
12 study of the pick-up/drop-off at Gulliver  
13 Academy. We made quite a few recommendations,  
14 and most of those recommendations were  
15 implemented.

16 In September of 2009, the City of Coral  
17 Gables Police went out and evaluated what was  
18 going on with the pick-up/drop-off operations.  
19 A memo was put together, and basically, what  
20 their conclusions were, was after Gulliver had  
21 implemented some of the recommendations, the  
22 pick-up, drop-off, access, and circulation was  
23 working much better, and they identified one  
24 problem that they were concerned with, which we  
25 actually had in our original recommendations.

1           The City of Coral Gables Police's biggest  
2           concern was what was happening on Old Cutler  
3           Road. There is an issue where some parents are  
4           parking off campus, on the east side of Old  
5           Cutler, adjacent to and north of the school,  
6           and taking their child out of the car and  
7           walking their child into school. A couple of  
8           concerns with that. The first is, it's not  
9           great for safety, for the pedestrians. The  
10          second is the issue when they're done dropping  
11          off their child, they get back in the car and  
12          they've got to back out into Old Cutler, a lot  
13          of northbound traffic coming, especially during  
14          the morning peak hour, so that became an issue,  
15          and one of the ways to resolve that, like we  
16          did in our original recommendations, was to  
17          prohibit parking in this area. City Staff has  
18          reviewed that, the Parking Director has been  
19          out there, and that's one of the  
20          recommendations, is, no longer allowing  
21          off-site parking adjacent to Gulliver or north  
22          of Gulliver Academy. With the no parking signs  
23          that will go up, that gives the police officers  
24          the opportunity then to enforce the no parking,  
25          and ticketing those that violate. So that will

1 no longer be allowed, and that was the main  
2 traffic operations consideration from the City  
3 of Coral Gables Police.

4 As part of the traffic impact study -- and  
5 again, it wasn't so much a traffic impact  
6 study, because there is no new traffic impact,  
7 because student enrollment is not going up  
8 during the critical drop-off and pick-up  
9 periods. It's really more of an existing  
10 conditions assessment which we did, and we went  
11 through that for Old Cutler Road. All the --  
12 Very importantly, all the level of service  
13 standards in the existing conditions are met.  
14 So that's a very critical piece of the puzzle  
15 there.

16 No doubt, when I go out and I do my  
17 observations, like many schools that I've  
18 worked for -- I've worked for Columbus High  
19 School, Lourdes Academy, Ransom, St. Thomas  
20 Episcopal, Conchita Espinosa, Sunset  
21 Elementary, Coral Gables Elementary -- when you  
22 have a school, you're going to have 15 or 20  
23 minutes of congestion, more or less, every  
24 morning when you're dropping off and every  
25 afternoon when you're picking up, and what

1 schools need to do is address those impacts and  
2 try to minimize those impacts the best that  
3 they can.

4 Gulliver Academy is one of the schools I  
5 kind of use as my standard when I talk to other  
6 schools and I go through this process. You may  
7 or may not know, Gulliver Academy, during the  
8 morning drop-off period, has two off-duty  
9 police officers on Old Cutler Road, helping  
10 ingress and egress. In the afternoon, they  
11 have three officers, one for the inbound, one  
12 for the outbound, and one at Old Cutler and  
13 120th Street, to make sure that that signalized  
14 intersection works. So they do a lot. Their  
15 program is outstanding, from the access, the  
16 circulation, how the teachers help with the  
17 students, and the whole pick-up/drop-off  
18 operations.

19 The City did hire an independent traffic  
20 consultant. Those gentlemen are here tonight  
21 that reviewed our work, and the important part  
22 of their review was -- the bottom line was that  
23 they concurred with our results, and they also  
24 recognized that there will not be additional  
25 congestion or vehicular delay on Old Cutler

1 Road because of this application, again  
2 recognizing that there's no new true traffic  
3 impacts with no increase in student enrollment.

4 Interestingly, the Gulliver Academy folks  
5 gave me a study that was done in 1997. I mean,  
6 we all know traffic has gotten worse in  
7 Miami-Dade County, especially in the south end  
8 of our County, where most of the development  
9 has been occurring. So they gave us those  
10 numbers. We went -- and basically, those 1997  
11 numbers you see up there are for the drop-off  
12 period and the pick-up period, for how many  
13 people were coming in and out, two-way traffic  
14 during that period. We went out and counted  
15 those exact same driveways in 2010, and the  
16 volumes have come down pretty significantly, 10  
17 to 15 percent. Part of that is, enrollment is  
18 down a little bit. Enrollment is down about  
19 seven percent, but you're still seeing  
20 drop-offs in the volumes coming in and out at  
21 Gulliver. So that more or less mean volumes  
22 have been stable, down a little bit since 1997.  
23 So that increase in congestion on Old Cutler  
24 Road are coming from other areas and other  
25 projects. Gulliver has been very stable over

1 the last 13 years.

2 The City also requested a Special Events  
3 Traffic Management Plan. We went through that  
4 process, formalized it. The school does have  
5 events, sometimes during school hours,  
6 sometimes right after school hours, sometimes  
7 on weekday evenings, occasionally on the  
8 weekends. We formalized a plan, but depending  
9 on the size of the event, they're going to have  
10 a requirement for trained security guards  
11 and/or an off-duty police officer to help with  
12 the traffic, help people park, help people get  
13 onto the campus and off of the campus.

14 One of the things about special events for  
15 Gulliver, most of the people that come to these  
16 events, they know the school. They know how to  
17 get in, they know how to get out, they know  
18 where to park. It's parents, it's  
19 grandparents, it's alums, and so forth.

20 So, again, one of the other -- two other  
21 quick points. Overflow parking for events that  
22 may need more parking than are in the actual  
23 surface parking spots, an overflow spot has  
24 been identified on the east end of campus, near  
25 the baseball fields. And again, another

1 critical component, no off-site parking for any  
2 of these events.

3 Again, City's traffic consultant reviewed  
4 the Special Events Traffic Management Plan.  
5 They concurred with its operations and its  
6 effectiveness.

7 We did have a neighborhood meeting, as  
8 Laura mentioned, a couple of months ago. Many  
9 issues came up, many concerning traffic. One  
10 of the more important ones, in my estimation,  
11 was what happens to the neighbors during the  
12 morning drop-off period. As they try -- as  
13 they're trying to leave their neighborhood,  
14 they use the signalized intersection of Old  
15 Cutler and 128th Street. Well, with the  
16 congestion that's occurring northbound in the  
17 morning, people are trying to get into town,  
18 and when the police officers have to stop  
19 traffic, to let Gulliver folks in and out of  
20 the -- in and off of the campus, congestion is  
21 occurring, and what some people will do is,  
22 they will stop in the signalized intersection,  
23 even though it's red. It's what we call  
24 block-the-box.

25 So, when these folks finally get the green,

1 to come out, to turn right to go north to get  
2 into town, they can't go anywhere. They can't  
3 move. They did bring that up at the  
4 neighborhood meeting as a legitimate -- and  
5 that is a legitimate concern, but we have  
6 talked to the Gulliver folks and they've agreed  
7 to add a third off-duty police officer in the  
8 morning drop-off hour that will be at the  
9 signalized intersection of Old Cutler and 128th  
10 to control that intersection, make sure people  
11 aren't violating the law, and giving these  
12 folks an opportunity to get out onto Old Cutler  
13 to head north.

14 And in conclusion, let me just summarize.  
15 Again, no increase in student enrollment.  
16 Gulliver Academy's traffic volumes have  
17 remained constant and a little bit lower in the  
18 last 13 years. All of the level of service  
19 standards are met. No longer will off-site  
20 parking be allowed, and the City's got a  
21 program to help with that and give the police a  
22 chance to enforce that. The Special Events  
23 Traffic Management Plan has been completed.  
24 And it will be adding a new police officer  
25 during the morning drop-off period on Old

1           Cutler and 128th street. And lastly, City  
2           Staff and the independent traffic consultant  
3           have reviewed all our studies and agree with  
4           the conclusions.

5           I will be here if you have any more  
6           questions, or if you have any questions now.

7           MR. COE: Mr. Chairman, I have one question  
8           on the traffic study.

9           You chose 1997, and we're talking about the  
10          volume of traffic on Old Cutler.

11          MR. PLUMMER: No, we're talking about the  
12          volume coming in and out of Gulliver.

13          MR. COE: But flowing onto Old Cutler.

14          MR. PLUMMER: Yes, correct.

15          MR. COE: Now, Old Cutler, of course, in  
16          1997, had nowhere near the traffic that it has  
17          today, because South Dade was still depopulated  
18          from Hurricane Andrew. What considerations  
19          have you taken with the traffic flow as  
20          currently exists on Old Cutler?

21          MR. PLUMMER: Well, the point we're trying  
22          to make with the 1997 volumes compared to the  
23          2010 is, Gulliver has stayed stable. They  
24          haven't had an increase in traffic over the  
25          last 13 years. They've stayed very stable.

1           They've been a part of this neighborhood and  
2           this area a long time.  It's other influences,  
3           like you mentioned, that were going on with  
4           Hurricane Andrew and other developments down  
5           south and so forth, as people are trying to get  
6           from south to north, into the heart of Dade  
7           County.  So it's the historic counts that have  
8           been increasing.

9           MR. COE:  So I still don't understand.  I  
10          understand Gulliver is static, maybe even down  
11          a little bit, in terms of enrollment, but the  
12          traffic transiting Old Cutler, which is going  
13          to be impacted by Gulliver, you really haven't  
14          done a study on that, then, have you?

15          MR. PLUMMER:  Yes, we did look at all the  
16          existing 2010 volumes on Gulliver.  We did do  
17          that.  That was one of the City's requests.

18          MS. RUSSO:  I think you're talking about  
19          beyond Gulliver.

20          I think he's talking about -- and I think  
21          you need to show that you went to the  
22          different -- you went beyond --

23          MR. COE:  That's what I'm getting at, Ms.  
24          Russo, and thank you for that.

25          MS. RUSSO:  You're welcome.

1           MR. COE:  Yes.  You're far more articulated  
2           on this than I am.

3           MS. RUSSO:  No --

4           MR. COE:  That's what I was getting at.

5           MS. RUSSO:  The focus is beyond, in other  
6           words, that we did look at the intersections  
7           beyond Gulliver.

8           MR. PLUMMER:  That is correct.

9           MS. RUSSO:  And -- because what he's saying  
10          is, whether or not Gulliver has increased,  
11          there is more traffic on Old Cutler.

12          MR. PLUMMER:  That is correct, and we  
13          recognize that.

14          MS. RUSSO:  We still have the same number  
15          of cars trying to squeeze into a bigger number  
16          of cars.

17          MR. PLUMMER:  But that additional traffic  
18          is not coming from Gulliver.  It's coming from  
19          other areas.

20          MS. RUSSO:  But if you look at the report,  
21          and not that I'm a traffic engineer, but having  
22          looked at this report more than once, one of  
23          the recommendations and one of the biggest  
24          issues is the timing of the signal at 120th,  
25          and what happens -- and one of the things that

1 needs to be addressed, and Mr. Plummer is going  
2 to be working with Miami-Dade County, is to try  
3 to deal with that. I think in the afternoon,  
4 they can address it better, because there isn't  
5 the volume of traffic. It's prior to  
6 the rush-hour traffic.

7 MR. COE: It's the morning rush that's the  
8 problem.

9 MS. RUSSO: It's the morning rush, and the  
10 biggest issue is that the light on 120th  
11 doesn't allow the cars to move, which then, as  
12 the Gables-By-The-Sea residents -- People block  
13 the intersections there, as they do elsewhere  
14 throughout the County.

15 So that was why Gulliver agreed to the  
16 additional police officer at the intersection  
17 down on Lugo, in order to be able to ticket  
18 people -- you block the intersection, you get  
19 ticketed -- and allow the residents to be able  
20 to come out.

21 MR. PLUMMER: Thank you.

22 MS. RUSSO: I think -- you know what?  
23 Let's put -- Let's take -- Let's put the good  
24 one here and the one that doesn't work over  
25 there.

1           As you have probably seen, and I'm coming  
2           to the end -- I can see, it's getting long --  
3           Staff prepared quite an extensive report, with  
4           a lot of conditions. I've read them all.  
5           We've reviewed them, and what I'd like to do is  
6           take a couple of minutes, because there are a  
7           couple of things that I want to address that  
8           need, I think, clarification, and then I want  
9           to put them on the record.

10           Section 1f, 2, 4a(3), 4a(4), and 8. And  
11           you don't need to look at them as much as  
12           understand what -- They all talk about the  
13           timing of when conditions come into effect, and  
14           in all those different sections, they talk  
15           about 180 days, certificate of completion,  
16           certificate of occupancy, final, and at times,  
17           I thought that it could be read to read a whole  
18           bunch of different things.

19           My biggest issue is with, this is a project  
20           that's going to take --

21           (Interruption)

22           MS. RUSSO: Is that giving feedback?

23           AUDIOVISUAL TECH: No, it's off.

24           MS. RUSSO: -- is the timing of the  
25           conditions. We have no problem with the

1 operational conditions going into effect in the  
2 Staff Report, which is 180 days. I have issues  
3 with all the conditions being met, because  
4 there are things, for example, the landscaping,  
5 you have to submit working drawings, permits,  
6 you have to pull permits for irrigation, et  
7 cetera, just in the real world, and the reality  
8 is, it can't all be done within 180 days.

9 So the operational conditions, absolutely,  
10 we have no issue, but in terms of -- and since  
11 buildings will be built at different times, I  
12 know that there's no way that the landscaping  
13 can all get done within six months. But we  
14 will pull permits, we will do all the  
15 requirements, but the operational -- A bunch of  
16 the conditions here have to do with different  
17 operations and hours and things, and we're more  
18 than happy to meet the time frames. But I  
19 wanted consistency, and I mentioned this to Mr.  
20 Riel, that when it says CO, we need to make  
21 sure if the terminology is certificate of  
22 occupancy, certificate of completion, and that  
23 we're talking about each individual building as  
24 it's done, and not at the end.

25 MR. COE: Well, did he tell you it was a CO

1 or a CC he's looking for?

2 MS. RUSSO: Well, he didn't. So I think  
3 some of the confusion is -- and that was part  
4 of what my confusion is, is it a CO -- and I  
5 don't want it to be at final, because the  
6 reality is, we're going to start -- a lot of  
7 operational conditions will start way before  
8 then, but I didn't -- it's just confusing, if  
9 you look at the different provisions.

10 MR. BEHAR: Ms. Russo, I have a question.  
11 Can you clarify for me the required setbacks  
12 and the proposed setbacks for those two  
13 structures or all the structures that are being  
14 proposed, both on the south and north side of  
15 the property?

16 MS. RUSSO: Okay. The property is  
17 currently under a site plan -- I mean, it's  
18 site-specific in the Code, under the appendix  
19 section of the Zoning Code. So it doesn't have  
20 the regular setbacks. The setbacks currently  
21 are 80 for the south; 275, I believe, for the  
22 east; 100 for the north; and 100 for the west.

23 We are --

24 MR. RIEL: Mr. Behar, I think it's on Page  
25 13, the top of Page 13, the setbacks that are

1 required and what's proposed, in the Staff  
2 Report.

3 MR. COE: That's under the existing Master  
4 Plan for Gulliver.

5 MS. RUSSO: Well, not only the existing  
6 Master Plan, but also the existing  
7 site-specific that's -- yes, both, under both.

8 We are proposing that on the north side,  
9 which fronts the Montgomery Foundation  
10 property, where the gym -- the gymnasium is  
11 proposed, that the setback be reduced to 40,  
12 and in the south, on Campamento, that it be --  
13 go from 80 to 60.

14 I'd like to finish, just for the record,  
15 the other clarifications, so I can address a  
16 couple of issues on the Staff Report.

17 In the part of the Staff Report that deals  
18 with shared use, there's some clarification.  
19 It should read -- "Gulliver Academy" should be  
20 switched to read "Gulliver Schools and the  
21 affiliated campuses." And the last sentence  
22 would read better if it says, "The use of any  
23 school facilities by outside vendors or third  
24 parties unaffiliated with the school for  
25 commercial purposes, such as renting and/or

1 leasing is prohibited."

2 With respect to the information liaison/  
3 point of contact, I would -- we have no  
4 problem, on an annual basis, giving the  
5 neighborhood association the different or the  
6 same contact person. We discussed that at the  
7 neighborhood meeting. We've also agreed, in  
8 fact, that when the individual buildings come  
9 up for design approval -- because what you have  
10 here is master site plan approval, not the  
11 actual individual design -- that we would  
12 notify the neighborhood association so that  
13 they could attend the Board of Architects  
14 meeting. So we've agreed to that. We would  
15 like the school information liaison/point of  
16 contact to be the Coral Gables property owners,  
17 and then the homeowners of -- any other  
18 homeowners that are within the thousand feet,  
19 we will provide it to those homeowner  
20 associations, because the thousand feet  
21 incorporates people outside of the Coral Gables  
22 City limits.

23 With respect to the condition with  
24 bleachers, there are fixed bleachers -- in  
25 4c(1) -- that are part of the baseball

1 facility. We would -- There's a sentence after  
2 that, that says no portable bleachers. We  
3 currently use portable bleachers. As you can  
4 see, the -- I'm going to point from here, but  
5 you can see the four baseball fields. The  
6 baseball facility is in the baseball diamond  
7 that is at the northwest corner. That is the  
8 baseball diamond that's used by the varsity.  
9 They've been coming here for years and years to  
10 play baseball, because there is no field at the  
11 high school campus. The other three baseball  
12 diamonds are used by the junior varsity, by the  
13 middle school, and by the softball teams. But  
14 when it's lacrosse season, soccer season,  
15 football season, whatever, the bleachers are  
16 brought out, based on the sport, and the reason  
17 that they're not fixed is so that they're not,  
18 you know, a visible -- but they also keep --  
19 they serve as a containment. You have your  
20 family members that come to watch; you have  
21 your players. You keep them off the playing  
22 area. So, for safety purposes, we want to  
23 continue the use of our portable bleachers. If  
24 not, you're going to have some chaotic events  
25 happening on the field.

1           The other issue we have is 5b(2), student  
2 drop-off. It's one of the conditions in the  
3 enumerated conditions that came out of Mr. Tim  
4 Plummer's circulation report, and we have no  
5 problems with all of them except one, which is  
6 that Grades 3 and 4 be -- the pick-up occur at  
7 Circle G. And without going into a big thing,  
8 the issue is, Circle G is where the middle  
9 schoolers get picked up, and middle schoolers  
10 are big kids, compared to Grades 3 and 4, and a  
11 lot of care is taken -- and at Circle K, there  
12 is no place to corral the third-graders and  
13 fourth-graders, and they don't allow them to be  
14 picked up, to just kind of hang out at the  
15 circle. Middle-schoolers can hang out, but  
16 younger kids can't.

17           So we've discussed this with Mr. Plummer.  
18 He was not aware of that sort of geographic  
19 constraint. You would have to put the kids in  
20 a classroom, which would slow things down if,  
21 each time a parent drove up, you had to bring  
22 the kid out. All the other conditions of  
23 improving drop-off and pick-up, we are more  
24 than happy. Most of them have been  
25 incorporated. We will continue to do so.

1           9d, drop-off, it has it there at 7:45. We  
2 want that to be 7:30, because that's -- not  
3 that many will be dropped off at 7:30, but it's  
4 the possibility, and so we don't want to have  
5 any people getting upset about that.

6           Taking those elements or those issues into  
7 consideration, other than the fact we  
8 appreciate all the work that Staff has done  
9 coming -- and putting into the Staff Report,  
10 and just so you know, there are a lot of  
11 conditions here that we deem to be onerous, but  
12 we also understand that there has to be a  
13 compromise for the two uses to co-exist. We  
14 appreciate that Staff did not oppose the  
15 natatorium, but rather only the reduction of  
16 the setback.

17           And I want to point out that we accept --  
18 other than the denial of the reduction in  
19 setback, and the conditions that I've made  
20 here, we accept all the conditions that are in  
21 the Staff recommendation, other than the --

22           MR. COE: Other than the ones that you just  
23 enumerated.

24           MS. RUSSO: Correct, exactly, and other  
25 than the reduction -- I know, it gets

1           complicated, but understand, I mean, I have  
2           like seven or eight pages of Staff  
3           recommendations and conditions, and you have to  
4           read them carefully. And so I --

5           MR. COE: And you want --

6           MS. RUSSO: Yes?

7           MR. COE: You want to reduce the setback  
8           for what reason?

9           MS. RUSSO: For what reason? Well, it's  
10          over the existing pool area, okay, and we can  
11          push everything up, but it becomes -- several  
12          things. Looking at it as a site plan, we lose  
13          a tennis court. But you say, okay, we lose a  
14          tennis court. We move them going north --  
15          instead of their north-south orientation, which  
16          is what tennis players want, so they don't have  
17          the sun in their eyes -- We would lose one  
18          tennis court. The other two would have to  
19          change their orientation.

20          But more than anything, what became  
21          important -- and I'm going to have to come over  
22          here -- is, if we pushed it -- There was a big  
23          thing with the Board of Architects in trying to  
24          keep a sort of central scheme. We're trying to  
25          do a lot of things all at the same time, and in

1 the design of the architecture, even though we  
2 asked for the reduction, the architect tried  
3 very hard to make sure that the height, at the  
4 60 feet and continuing back, is less than a  
5 two-story home would be. So the height starts  
6 at something about one and a half stories, and  
7 it's a sloping roof --

8 MR. MCGRAW: I could show you here.

9 This is a sketch through Campamento Avenue,  
10 showing a typical one-story home on Campamento.  
11 This is Campamento here. We have the existing  
12 ficus hedge here, and then a proposed dwarf  
13 schefflera border. I believe the City has  
14 asked for at least a 16-foot border, so this  
15 takes into account the 16-foot border. A car  
16 driving on the far side of Campamento, the  
17 sight lines going across the hedge here cannot  
18 see this building. A person standing on the  
19 property line on Campamento, in their front  
20 yard, immediately across from the building,  
21 cannot see the building. It's only a person  
22 back standing in front of their house, would be  
23 able to see the top two or three feet of that  
24 building, the way we've designed. We've tried  
25 to be sensitive to the neighborhood, tried to

1           make this building as low as we could at this  
2           side.  It's only 20 feet, three inches above  
3           grade at this point, rises to approximately 36  
4           feet on this side, on the north side, to get  
5           north light into the facility.

6           MR. COE:  You want to reduce the setback  
7           from 80 to what?

8           MR. McGRAW:  60.

9           MR. COE:  20 feet?

10          MS. RUSSO:  Yes, to 60.  From 80 --

11          MR. COE:  Yeah.

12          MS. RUSSO:  -- to 60.  And the interesting  
13          thing, and I forgot to mention, and co-counsel  
14          is going to kill me -- Co-counsel is not here,  
15          but co-counsel on this case with me is Tucker  
16          Gibbs, so if and when Tucker arrives, please  
17          don't tell him that I forgot to --

18          MR. COE:  (Inaudible) pick up the signs for  
19          you a little bit --

20          CHAIRMAN KORGE:  Will you close the door,  
21          please?

22          MS. RUSSO:  You won't tell him that I  
23          forgot to mention him until halfway through the  
24          presentation.  He probably won't be happy about  
25          that.  But the interesting thing is that in

1 other schools where pools have been proposed,  
2 the issue is usually, they want them to cover  
3 it, because there's a noise factor that goes  
4 on.

5 One of the only other things that I want to  
6 stress is that schools come under the "S" use  
7 category, and the "S" use category has  
8 guidelines, in terms of height, in terms of  
9 FAR, et cetera, and even though we are  
10 proposing buildings, you need to know that this  
11 is over by the flood -- NGBD is 11 feet, so we  
12 need height requirements, we're not asking for  
13 anything, and what happens is, yes, the  
14 buildings are tall, but they have to be, you  
15 know, built at a certain elevation just because  
16 of the flood, I mean, and the baseball fields  
17 serve, actually, as an incredible drainage.

18 In fact, one of the requirements, and I  
19 didn't bother to oppose it, is a drainage plan.  
20 As it turns out, most of Gables-By-The-Sea,  
21 they bermed up Bernal, and there's a berm on  
22 Campamento, because the residential  
23 neighborhood was actually draining onto  
24 Gulliver's baseball field, and they spend a lot  
25 of time constantly working on the athletic

1 fields, because it has major, you know,  
2 saltwater intrusion and flooding.

3 At this time, we have concluded our  
4 presentation, but the Chairman of the Board of  
5 Trustees and President of Gulliver Schools  
6 would like to say a few words, and then  
7 naturally, I'd like to reserve time for  
8 rebuttal after Mr. Dickman has made his  
9 presentation and the public has spoken.

10 MR. FLANAGAN: Can I just have one  
11 question?

12 MS. RUSSO: If there's --

13 MR. FLANAGAN: Could I just ask one  
14 question?

15 MS. RUSSO: If there's time, Mr. Coe, okay?

16 CHAIRMAN KORGE: Jeff, yeah.

17 MR. FLANAGAN: Ms. Russo, on the -- for the  
18 natatorium --

19 MS. RUSSO: Uh-huh.

20 MR. FLANAGAN: -- it's a new pool or --

21 MS. RUSSO: It's existing.

22 MR. FLANAGAN: -- just effectively covering  
23 the existing pool?

24 MS. RUSSO: The existing pool is there. I  
25 think they're going to be constructing a new

1 pool, because of the age of the pool, but it's  
2 in that same location. They're not changing  
3 the location of the -- and there's two pools.

4 MR. FLANAGAN: Okay, and then --

5 MR. BEHAR: Well, then, if you're asking --  
6 sorry.

7 MR. FLANAGAN: Well, what's the -- On the  
8 plan I have, there's no dimensions --

9 MS. RUSSO: Okay.

10 MR. FLANAGAN: -- on the natatorium.

11 MS. RUSSO: I'm going to bring the  
12 architect over to answer the --

13 MR. FLANAGAN: What's the distance between  
14 the edge of -- the south edge of the pool and  
15 the south edge of the building?

16 MR. MCGRAW: 20 feet.

17 MS. RUSSO: And that has been designed to  
18 allow for the -- you know, when the teams  
19 compete, you need -- the teams have to --

20 MR. MCGRAW: Well, you have classes stack  
21 up around the pool, and you have to provide an  
22 apron around the pool for that to happen. So  
23 we have a 20-foot apron around the entire pool.  
24 It's a 25-meter swimming pool.

25 MR. FLANAGAN: Okay.

1 MS. RUSSO: Okay. Mr. Jeff Bartel.

2 MR. BARTEL: Thank you, Laura.

3 Mr. Chairman, my name is Jeff Bartel.

4 Address at 6909 Mindello Street, here in Coral  
5 Gables. A lifelong resident of Coral Gables,  
6 went to Gulliver from first grade through  
7 twelfth grade. Chairman of the Board now, but  
8 also proud parent of a rising first grader, if  
9 Mrs. Krutulis will allow her to.

10 I want to speak for a moment just about and  
11 on behalf of the Gulliver community. We had,  
12 just for the record, Mr. Chairman, at the  
13 beginning, at six o'clock tonight, 117 people  
14 who had showed up to support this application.  
15 All of them would have been ready to speak,  
16 even at two or three minutes, which would have  
17 lasted about four or five hours. I think out  
18 of the benefit of time, and for the benefit of  
19 the neighbors, with the exception of a few  
20 residents who live within Gables-By-The-Sea who  
21 are supporters of the application, we would be  
22 willing to forgo having those supporters of the  
23 application speak here tonight, again, so that  
24 opponents of the application could have the  
25 opportunity to speak, and unless you have an

1 objection, we'd at least would like that to be  
2 recognized.

3 CHAIRMAN KORGE: I don't have an objection  
4 to that.

5 MR. COE: I sure don't. Can I ask this  
6 witness a question, Mr. Chairman?

7 CHAIRMAN KORGE: I'm sorry?

8 MR. COE: Can I ask this witness a  
9 question?

10 CHAIRMAN KORGE: Yes.

11 MR. COE: If the City's recommendation,  
12 Staff's recommendation, of denying the  
13 reduction of the 80-foot setback -- is that a  
14 deal-breaker?

15 MR. BARTEL: Once again, Your Honor, what  
16 was the question?

17 MR. COE: The 80-foot setback --

18 MS. RUSSO: It's hard to hear, since your  
19 mike's not working.

20 MR. BARTEL: Yeah.

21 MS. RUSSO: I know, I know.

22 MR. COE: I don't think I want them  
23 working. I'll talk a little bit louder.

24 You want a 60-foot setback, reduced from 80  
25 to 60?

1 MR. BARTEL: Yes, sir.

2 MR. COE: My question is, if we do not  
3 recommend that, is that a deal-breaker, as far  
4 as you're concerned?

5 MR. BARTEL: What do you mean, a  
6 deal-breaker, that we're not going to proceed  
7 with the Master Plan?

8 MR. COE: Correct.

9 MR. BARTEL: Well, the reality, Your Honor,  
10 is that Staff did not object to the natatorium  
11 as a function. It objected, for the moment, to  
12 the setback. Is it possible that we could  
13 revisit the location of that natatorium, to  
14 move it back to 80 feet, is that something that  
15 we could consider if the Planning Board were to  
16 so decide that it wishes to accept Staff's  
17 recommendation with the modifications that Ms.  
18 Russo had suggested? And, again, because  
19 there's no substantive objection to the  
20 natatorium, it's purely a setback one, if this  
21 body were to determine that it would approve  
22 the natatorium, but move it back to the 80  
23 feet, I think that is something we could take  
24 back to the Board.

25 MR. FLANAGAN: Could we just clarify with

1           Staff?  When I read the report, in the  
2           beginning, it recommends denial of the setback  
3           reduction, but in the body of the report, I  
4           read it to state that it was recommending  
5           denial of the natatorium and the setback  
6           reduction.

7           MS. RUSSO:  I think it requested removal of  
8           the building from the plans, if the Staff  
9           Report were to be accepted.

10          MR. FLANAGAN:  Maybe Mr. Riel can answer.

11          MR. RIEL:  The Staff is recommending denial  
12          of the reduction in the setback.  That's what  
13          we represented, that's what we evaluated as a  
14          part of the application.

15          If it's reduced, you know, back to the 80  
16          foot, we would certainly evaluate it and be  
17          able to come forward.  I can't do that this  
18          evening, obviously, because that's not on the  
19          application.  It involves other departments, as  
20          well.  So that's an opportunity that, if the  
21          Board so desires to approve that, we can do  
22          that, and you can pass this evening and prior  
23          to going to the Commission, we can present  
24          those findings of facts.  That's an option  
25          that's available.

1           CHAIRMAN KORGE: Did any other departments  
2 object to the change in the setback?

3           MR. RIEL: You know, it's a part of the  
4 Development Review Committee process, so I  
5 can't tell you off the top of my head. I know  
6 the Board of Architects did have some concern  
7 about the location of the pool and its close  
8 proximity, and you'll see that in their  
9 comments. So it was mentioned by the Board of  
10 Architects.

11          MR. COE: I have another question, if I  
12 may, Mr. Chairman, of Mr. Riel.

13           The issue of the movable stands at the  
14 athletic field was raised by Ms. Russo. What's  
15 Staff's objection to movable stands?

16          MR. RIEL: And again, I'd be happy to  
17 respond to each one of Ms. Russo's changes. We  
18 got those changes this afternoon.

19           It's pretty much of a standard condition  
20 that we put on schools, in terms of minimizing  
21 the potential impact on adjacent properties.  
22 But after further evaluation, looking at how  
23 large the facility is, with the adjustments in  
24 terms of the additional landscaping, Staff  
25 would have no problems in terms of removing

1           that portion of that condition.

2           MR. AIZENSTAT:  It made sense.

3           MR. COE:  Okay, that's gone.

4           MR. BARTEL:  Mr. Chairman, just for the  
5           record, we are -- we do have a number of  
6           parents, including myself, but a number of  
7           parents who probably need to get back to their  
8           elementary school students.  So, unless you  
9           have an objection, would you mind at least  
10          recognizing that we do have a lot of supporters  
11          here, if there are any who wish to go home and  
12          be able to take care of their kids, that they'd  
13          have the opportunity to do so now.  We have a  
14          lot of folks outside in the audience, too.

15          CHAIRMAN KORGE:  If they'd like to stand up  
16          and be recognized, that's fine.

17          MR. BARTEL:  Yeah, and we have a number,  
18          again, who are outside, listening to this  
19          outside, so --

20          CHAIRMAN KORGE:  Yes, we saw them as we  
21          walked in.

22          MR. BARTEL:  Yeah.  Also, Mr. Chairman --

23          MS. RUSSO:  We thought it was the red  
24          carpet treatment.

25          MR. BARTEL:  You know, in any application,



1 Chairman, I know Judge Coe had also asked the  
2 question about the petition. You should be  
3 aware that nearly 800 letters, and I think --

4 Laura, could you provide a second set of  
5 copies of all those letters?

6 Nearly 800 letters of support were received  
7 by the City, and your own City Clerk says in  
8 his history here, he's never seen that many  
9 letters of support. Approximately half of  
10 those were Gables residents, and the rest of  
11 them were either Gulliver parents or Gulliver  
12 community members.

13 But it's important to recognize that in any  
14 instance where you've got a school that has  
15 1,200 or 1,100 students, there are going to be  
16 bumps and bruises with neighbors. I will tell  
17 you, we're very proud of the fact there's not  
18 been one single Code violation that's been  
19 cited, not one single safety violation that's  
20 been cited, no police reports that have been  
21 cited, and going back to the case that appeared  
22 before us, you know, there are remedies, should  
23 there be issues that happen.

24 We recognize and we wish to goodness that  
25 we had a hundred percent support from our

1 neighbors. We have been part of this  
2 neighborhood since 1965, and taking nothing  
3 away, not that there's any preeminence in being  
4 here first, I assure you, because I know that  
5 Mr. Dickman used this argument when Ransom came  
6 in front of the City of Miami, a few weeks ago,  
7 to say that coming first doesn't mean being  
8 there with a level of preeminence, but the  
9 reality is that there's not a single property  
10 owner here today that owned their property in  
11 1965. This school has existed in harmony with  
12 the neighborhood.

13 In 1995, Gulliver agreed with the  
14 neighbors, for their benefit, to close off the  
15 end of Red Road, so that when the neighborhood  
16 was going to be gated, that there would only be  
17 one ingress and egress into Gables-By-The-Sea.  
18 This is a public road, on Campamento. It is  
19 not a private road. And as you all know, for  
20 public policy purposes, the City of Coral  
21 Gables has made it very clear, in instances  
22 like Gables Estates, Gables-By-The-Sea, for  
23 example, and Snapper Creek, as well as others,  
24 that in instances where there are public roads  
25 and neighborhoods want to turn them private,

1 the City wishes them to remain public. So it  
2 was recognized that this road was intended to  
3 be public, and the City of Coral Gables Fire  
4 Department wants that, the service entrance on  
5 the south side, to remain.

6 An important factoid is the fact that that  
7 service entrance didn't just show up. It has  
8 existed for the last 46 years. There has been  
9 no change. And I will tell you, as Chairman of  
10 the Board of Trustees, I cannot in good  
11 conscience tell our parents that we're going to  
12 be able to change that site plan to have one  
13 egress and ingress off Red Road, where trucks  
14 are going to be coming in, we're going to have  
15 to destroy at least one playground, at least  
16 one open area, and have trucks immediately  
17 adjacent to at least one of the classroom  
18 buildings, should this Board decide to revise  
19 its recommendations of Staff.

20 Let me also add this. With all due respect  
21 to the concerns that I'm sure we're going to  
22 hear a litany of from neighbors right now, the  
23 reality is that Staff pretty much got it right.  
24 They should be commended for the work that they  
25 did over the last six and a half months.

1           They've worked in great tandem with us to make  
2           sure that every detail, every T has been  
3           crossed, every I has been dotted, and again,  
4           going back to the question that Judge Coe had  
5           brought forward, we did try to meet with  
6           neighbors. We brought neighbors involved in  
7           this since September.

8           I'm sure we're going to hear, as is the  
9           case, that there wasn't enough communication.  
10          I wish we could always communicate as much as  
11          possible. The neighbors have done a wonderful  
12          job, to their credit. On their web site --  
13          They have a tremendous web site that has  
14          alerted all the neighbors of this hearing.  
15          They have been able to keep neighbors abreast  
16          of issues. They hired counsel two months ago,  
17          to be able to represent them in this matter.  
18          And a few weeks ago, counsel brought forward to  
19          us their sort of conditions precedent to  
20          approval, which were untenable to us.  
21          Essentially, removal of the natatorium,  
22          elimination of the gate on the south side, and  
23          a whole bunch of other things.

24          This is not the Palmer application, that  
25          was seeking to increase student population.

1 This is not the charter school that was in  
2 front of the City of Coral Gables a few months  
3 ago, that were seeking to change the paradigm  
4 of the schooling. Gulliver Schools, we are  
5 very proud, has the highest excellence in its  
6 educational provision to students, and the  
7 parents who are down here tonight and the  
8 hundreds of parents that will be down here for  
9 the City Commission meeting will attest to  
10 that. We're proud of these facts. We have  
11 been a great neighbor. We host some of the  
12 most outstanding students that have graduated  
13 from Miami-Dade, and I will tell you, last  
14 year, when I stood at graduation at the  
15 preparatory school and was able to announce  
16 that Gulliver had more National Merit finalists  
17 than any other school in Miami-Dade County,  
18 that was a point of honor for all of us.

19 You have before you what I think is a  
20 fairly simple case. We have some vocal  
21 neighbors who, to their credit, have been able  
22 to instill and get other neighbors to object to  
23 this application for a few reasons: Concerns  
24 about traffic, which I think have been  
25 addressed by our traffic neighbor. The issue

1 of the gate on the south side, which has  
2 existed. Nothing is going to change. As a  
3 matter of fact, the recommendations from Staff  
4 will help mitigate any concerns. Issues  
5 related to the natatorium. I think Judge Coe  
6 brought up an issue that we may or may not be  
7 able to agree upon, but the other issues with  
8 respect to height and noise, et cetera, this is  
9 a school. There's going to be a softball  
10 that's going to go across the street every once  
11 in a while. There's going to be a parent  
12 that's going to pick up their kid improperly.  
13 We do everything possible to make sure that the  
14 site meets Code, and we're very proud of the  
15 work that we've done.

16 If there are any questions --

17 MS. RUSSO: I think now we'll allow  
18 Mr. Dickman to make his presentation, and we're  
19 more than happy, at rebuttal, to address any  
20 issues, and I promise to keep it short.

21 MR. BARTEL: Thank you very much, Mr.  
22 Chairman.

23 CHAIRMAN KORGE: Thank you.

24 Eric, do you have something at this time?

25 MR. RIEL: Yeah, for just a matter of

1 record, I want to just go over Staff's  
2 recommendation. Staff does recommend approval  
3 of the Planned Area Development assignment, we  
4 do recommend approval of the site plan, and the  
5 amendment to the Master Campus Site Plan,  
6 subject to the conditions contained in the July  
7 14th Staff Report.

8 We do not support the reduction in the  
9 setback, and I'm just going to go over,  
10 basically, a summary of the basis for the  
11 approval. The fact that Gulliver has a 1998  
12 site plan which indicates uses and locations,  
13 no changes to those. The student makeup  
14 remains pre-kindergarten through eighth grade,  
15 and no increase in enrollment.

16 Basically, in terms of the additional  
17 square footage in terms of classrooms, it's  
18 5,300 square feet. Athletic activities and  
19 assemblies were previously held outdoors.  
20 They're now going to be held within the  
21 gymnasium. Also, as a part of the '98  
22 approval, there was only three conditions of  
23 approval that pretty much governed this  
24 property, as well as all the other Code  
25 provisions. This approval, if the Board

1 recommends approval to the Commission, provides  
2 between 50 to 60 additional recommendations and  
3 safeguards that we typically put on properties,  
4 schools and churches. So it kind of sets a new  
5 standard in terms of accountability from all  
6 the parties, as well as enforcement from the  
7 City.

8 The basis of the denial for the reduction  
9 in the setback basically is, from 1966, an  
10 established 80-foot setback was set. Staff  
11 recommends that 80-foot setback remain in  
12 place. And then, any future reduction in that  
13 80-foot setback does set a bad precedent for  
14 other structures to come closer or be reduced.

15 So, basically, that's Staff's basis for  
16 denial. I note for the record, the items you  
17 have in green are what we've received since  
18 last Thursday's packet, and just for the  
19 record, we have received approximately a  
20 thousand comments on an application. That's  
21 unique, because obviously, the application was  
22 deferred from last month, but it is one of the  
23 more interested party applications that we've  
24 received since I've been here with the City.

25 MR. BEHAR: Mr. Riel, I've got a question

1           for you. You are -- The 80 feet -- or, the  
2           60-foot reduction in setback for the natatorium  
3           on the south side, the proposed gymnasium has  
4           only a 46-foot setback. You're not opposing to  
5           the reduction in setback on that structure?

6           MR. RIEL: That's correct, because of its  
7           proximity to the parcel across -- the adjacent  
8           parcel, which is basically a nature preserve.

9           MR. COE: I do have a question,  
10          Mr. Chairman, of Mr. Riel.

11          Ms. Russo raised an issue which I think --  
12          I was going through this document, and are we  
13          talking about COs or CCs? I could not -- this  
14          180-day time limit.

15          MR. RIEL: To clarify that issue, Staff's  
16          intent was to have the 180 days, all those  
17          conditions that deal with operational and  
18          traffic-related issues, in effect. As each  
19          building comes through, they actually have to  
20          go through Board of Architects for review and  
21          approval. So we can certainly clarify the  
22          issue. Obviously, we're not going to require,  
23          you know, improvements to be done if the  
24          building -- if the associated structure is not  
25          there, so that's something that Ms. Russo and I

1           need to work out, and obviously, when you're  
2           looking at 50, 60 conditions, I think we can  
3           come in agreement, what the overall intent is.

4           MR. COE: Does that resolve your issue?

5           MS. RUSSO: Yes, it does.

6           MR. COE: So now you're satisfied with  
7           this?

8           MS. RUSSO: Right. I think we still may  
9           need some clarification, but my intent was to  
10          say the operational things can go into effect,  
11          but some of the actual improvement things may  
12          take longer.

13          Thank you.

14          MR. COE: Mr. Riel, I think Ms. Russo  
15          addressed another issue, at 5b(2), the pick-up  
16          periods. I think she wanted 30 minutes or 15  
17          minutes beforehand.

18          MS. RUSSO: No, the 5b(2) had to do with  
19          the Grades 3 and 4 and the containment of the  
20          children in an area that currently is where the  
21          middle school is picked up. So it's the mixing  
22          of the seven and eight-year-olds with --

23          MR. SALMAN: The middle school's.

24          MS. RUSSO: And because what they do is,  
25          they contain the younger kids with staff, and

1 here you'd have to put them in a classroom. We  
2 think it would actually cause a delay, and  
3 unfortunately, at the time, Mr. Plummer was not  
4 aware that there was not a place to contain the  
5 children. So that's the only condition with  
6 respect to the circulation and traffic we would  
7 like --

8 MR. RIEL: Basically, what Staff did is,  
9 they proffered conditions and we copied that  
10 exactly. We don't have a problem with an  
11 amendment to that, so --

12 MR. COE: Okay.

13 CHAIRMAN KORGE: What would the amendment  
14 be?

15 MS. RUSSO: Excuse me?

16 CHAIRMAN KORGE: What would the amendment  
17 be?

18 MS. RUSSO: The amendment would be to --  
19 Let me find --

20 CHAIRMAN KORGE: 5b(2), on Page 5 of the  
21 memo.

22 MS. RUSSO: Is to eliminate Number 2.

23 CHAIRMAN KORGE: Just delete it?

24 MS. RUSSO: Just delete it.

25 MR. COE: So 5b(2), you would suggest we

1 delete?

2 MS. RUSSO: Correct.

3 MR. COE: Is Staff objecting to that?

4 MR. RIEL: No objection.

5 MR. COE: And I think the last item that we  
6 haven't covered, Mr. Riel, which Ms. Russo  
7 raised, was 9d.

8 MS. RUSSO: d.

9 MR. COE: The 7:45, which I think the  
10 school is looking for 7:30.

11 MS. RUSSO: Correct.

12 MR. COE: Is there a problem with that?

13 MR. RIEL: Again, that's the information  
14 that was provided by the applicant. We don't  
15 have a problem.

16 MR. COE: That's what I presume.

17 MS. RUSSO: Well, and you know what? As you  
18 can see, this is the second submittal. There's a lot of  
19 information. So, whether it was an error, I just wanted  
20 it to be --

21 MR. COE: I guess, before we vote on this,  
22 I'd want to make sure we're all on the same  
23 page, so we understand what your objections  
24 are, because you're accepting everything else.

25 MS. RUSSO: Right, and I think the other --

1           MR. COE: I think we've now resolved all of  
2 your objections, except the setback.

3           MS. RUSSO: Right, the bleachers, and then  
4 the Coral Gables residents for the point of  
5 information on the annual mail-out.

6           MR. COE: So that's -- Everything else is  
7 resolved, then.

8           MR. RIEL: I don't have a problem with the  
9 Coral Gables --

10          MR. COE: So the only issue between the  
11 applicant and Staff is the setback?

12          MS. RUSSO: Correct, of the natatorium.

13          MR. COE: That's the only issue left, okay.

14          MS. RUSSO: Yes.

15          MR. COE: That's fine.

16          CHAIRMAN KORGE: Thank you.

17          MR. AIZENSTAT: Can I ask you a question?

18          MS. RUSSO: Yes, you may ask.

19          MR. AIZENSTAT: Can you tell me what  
20 happens to the school during summer months,  
21 when school's out of session?

22          MS. RUSSO: Summer school.

23          MR. AIZENSTAT: So there's summer school?

24          MS. RUSSO: There is summer school. There  
25 currently are activities. There's summer

1 school camp. There's different camps. I think  
2 you'll find that in almost every school in Dade  
3 County. So there's swim camp, and in fact,  
4 when we took the neighbors' attorney, we did an  
5 extensive, almost two-hour site tour, so  
6 that -- you know, it's very interesting,  
7 because one thing is to see it on paper and  
8 another thing is to tour it. But yes, there's  
9 summer camps for different things, for music,  
10 for dance, for swimming, for --

11 MR. AIZENSTAT: The reason I bring that up  
12 is because when I look at the use of facilities  
13 such as athletic fields and tennis courts, it  
14 talks about from sunrise to sunset. In the  
15 summer, as we know, sunset is much, much later,  
16 and I don't know if that will disturb the  
17 residents from the surrounding area. I don't  
18 know to what time you have programming or not.  
19 Because sunset may be -- by the time it gets  
20 dark out there --

21 MR. COE: It's 8:30.

22 MR. AIZENSTAT: -- it can be 8:30, close to  
23 9:00, and that could be pretty late.

24 MR. COE: (Inaudible).

25 MR. AIZENSTAT: Well, they can program --

1           MS. RUSSO: I think the real issue, though,  
2           of the sunrise to sunset, was more to deal --  
3           Some games start at 4:00, and if, you know,  
4           games -- There is no lighting, and just so you  
5           know, we're not proposing any lighting, so  
6           there's no issue with --

7           MR. AIZENSTAT: But you can program till  
8           nine o'clock at night.

9           MS. RUSSO: Right, but I don't think there  
10          is programming -- What time does summer school  
11          end, or day camp?

12          UNIDENTIFIED MAN IN AUDIENCE: There's no  
13          athletic programs.

14          MS. RUSSO: There's no sports, athletic  
15          programs, going. There's summer camp, and it  
16          ends, but I need to know what time it ends.  
17          That's the question. By 6:00, it's over?

18          UNIDENTIFIED MAN IN AUDIENCE: Yes.

19          MR. AIZENSTAT: So would it be prudent to  
20          go ahead and put a time specific, as opposed to  
21          sunset, during the summer months?

22          MS. RUSSO: Let us think about it, and let  
23          me consult, because I just want to make sure of  
24          that, because, you know, there's a lot of  
25          things that go on, on that campus, I mean, as

1           you can see, and so -- but I don't know that  
2           there's a real --

3           MR. AIZENSTAT: I mean, there may not be a  
4           problem, because I'm just --

5           MS. RUSSO: Right, no, it may not be, but I  
6           just -- you know, before I just say yes, I just  
7           want to make sure that there's no -- there's no  
8           issues. I know we had an issue, and I wanted  
9           it to be clear, there's no lighting. For  
10          example, the tennis courts cannot be used, you  
11          know, afterwards, and while it does give you  
12          extended hours in the summer, it also shortens  
13          hours in the wintertime.

14          MR. COE: In the wintertime, yes. No night  
15          baseball.

16          MS. RUSSO: Right, and the current  
17          activities that go on will continue to go on.  
18          In other words, there is no change in the  
19          athletic. All the athletics that go on now  
20          will continue to go on, and I don't know if  
21          some of you saw, but we actually turned in a  
22          facility use, which was, you know, quite  
23          extensive, and so you know, this information  
24          was shared. At my meeting with opposing  
25          counsel, I gave him copies of everything to

1 facilitate. I know he came in last minute, so  
2 we gave him copies, and he saw that we did show  
3 that there may be two events, and you'll see  
4 that in the facilities, where we actually  
5 indicated two events that might be relocated to  
6 the auditorium, and those are the two middle  
7 school dances that happen twice a year, okay?

8 So most of the events that take place, take  
9 place there now. They just take place at  
10 different times, and sometimes over extended  
11 days, when they have theater programs.

12 CHAIRMAN KORGE: I want to be sure I  
13 understood that the events you're talking about  
14 relocating are events of the school, not of  
15 some other school, but this school?

16 MS. RUSSO: Well, our school, Gulliver,  
17 has -- Gulliver Schools has five campuses, and  
18 currently, now, the campuses share. For  
19 example, there is no baseball field, and  
20 baseball, since it started at Gulliver, has  
21 always come to the Academy. The varsity high  
22 school has come here.

23 So what I'm saying is that we're improving  
24 facilities. We're not changing the existing  
25 programming. And so we've listed -- you'll see

1           here, it's quite extensive, a list of the  
2           clubs, the hours, the times. We've put here --  
3           We even went so far as to say D is for weekday,  
4           W is for weekend, N is for events typically  
5           held at night, after the Academy, a -- you  
6           know, I mean, we have provided an incredibly  
7           detailed list of the existing programming  
8           that's not going to change, and we labeled,  
9           with an R, the two events that currently take  
10          place outside, which are the middle school  
11          dances, and, you know, they probably will be  
12          held in the gymnasium.

13                 CHAIRMAN KORGE: Pat?

14                 MS. KEON: Excuse me --

15                 MS. RUSSO: And so -- go ahead.

16                 MS. KEON: I know that Gulliver has  
17          multiple campuses. Is it the intent, then, to  
18          bring students from other campuses to this  
19          campus in order to use these new facilities  
20          that are covered?

21                 MS. RUSSO: The current students that come  
22          from the other campuses would come, regardless  
23          of whether the facilities are done. There are  
24          children that attend the campus -- This goes  
25          only to middle school, so there are kids that

1 attend the middle school Pinecrest campus,  
2 which is for learning issues and skills, that  
3 are currently transported already.

4 So what I'm trying to say is, there's no  
5 change in the existing programming that's going  
6 to occur because of the facilities.

7 MS. KEON: Because of the facilities.

8 MS. RUSSO: Correct.

9 MS. KEON: Okay, so no --

10 MS. RUSSO: The current programming remains  
11 the same. That's why we were able to produce  
12 it. It doesn't change. We just covered the  
13 venue. You know, the same theater programs  
14 will take place, maybe over one night, as  
15 opposed to over three or four nights.

16 CHAIRMAN KORGE: Eric?

17 MR. RIEL: Yeah. I just thought -- I just  
18 want to indicate, we do have 25 people who  
19 signed up to speak, so --

20 MS. RUSSO: Excuse me, I didn't hear that  
21 last thing.

22 MR. RIEL: We do have 25 people that would  
23 like to speak.

24 CHAIRMAN KORGE: Well, we have an attorney  
25 representing the --

1 MS. RUSSO: There is an attorney  
2 representing the homeowners.

3 CHAIRMAN KORGE: The homeowners?

4 MS. RUSSO: Yes.

5 CHAIRMAN KORGE: So --

6 MS. RUSSO: Mr. Dickman? No?

7 MS. HERNANDEZ: Well, hold on --

8 MS. RUSSO: Oh, sorry.

9 MR. HERNANDEZ: They consumed two hours of  
10 time. We've been waiting patiently.

11 MS. HERNANDEZ: Yes.

12 MR. HERNANDEZ: And in the spirit of  
13 fairness, we should be given two hours to  
14 express our point of view. There were no  
15 interruptions. Much of this was very  
16 duplicative, and --

17 MS. HERNANDEZ: Sir, you have to identify  
18 yourself.

19 MR. HERNANDEZ: My name is Arturo V.  
20 Hernandez, and I'm a resident. I'm one of the  
21 impacted residents to this project that we've  
22 been discussing for the last two hours, and the  
23 point of order that I bring, respectfully, to  
24 the Board is that at some point, this  
25 presentation must culminate so that we have an

1 opportunity to express our point of view.

2 CHAIRMAN KORGE: Well, I think we're at  
3 that point.

4 MS. HERNANDEZ: Yes, and Mr. Chairman, I  
5 apologize, but was everyone that testified and  
6 that is going to testify sworn in?

7 MR. COE: No.

8 CHAIRMAN KORGE: Everybody who has --

9 MS. HERNANDEZ: I'm sorry that I had to  
10 step out.

11 CHAIRMAN KORGE: Everybody who has  
12 testified or intends to testify, if you'll  
13 stand up and be sworn in right now, we'd  
14 appreciate it, and --

15 MS. HERNANDEZ: Except for the attorneys.

16 CHAIRMAN KORGE: Except for the attorneys,  
17 and those who have already given testimony will  
18 have done so under oath.

19 (Thereupon, all who were to speak and had  
20 spoken were duly sworn by the court reporter.)

21 MS. HERNANDEZ: Okay, thank you.

22 (Inaudible comments among Board members)

23 CHAIRMAN KORGE: We have Mr. Dickman?

24 MR. DICKMAN: Thank you. If I could get a  
25 minute, just to set up, if you don't mind. I

1 have a couple of boards.

2 CHAIRMAN KORGE: Sure.

3 MR. SALMAN: Do you want 10 minutes?

4 (Discussion off the record)

5 CHAIRMAN KORGE: I've been informed that  
6 the applicant has taken about an hour and 10  
7 minutes of our time so far. We'll try to --

8 MR. COE: Of which part of that was our  
9 questions to Staff, so I don't know if you want  
10 to subtract --

11 CHAIRMAN KORGE: Right.

12 MR. BEHAR: No, we can't. They should have  
13 equal time.

14 CHAIRMAN KORGE: We're going to take a two  
15 or three-minute break while you set up.

16 (Thereupon, a brief recess was taken.)

17 CHAIRMAN KORGE: Okay, we're going to get  
18 going. Hopefully Eric will hear this and come  
19 back to the table.

20 Before we get started, let me make a quick  
21 observation. We know that there are a lot of  
22 friends of Gulliver and homeowners who live  
23 adjacent to Gulliver, who are either in favor  
24 of or opposed to this application, and Gulliver  
25 has presented its -- you know, their attorney

1            basically made most of the presentation for  
2            them.

3            I would suggest that -- you know, that we  
4            give more time to your attorney, the  
5            homeowners' attorney, who has been hired to  
6            represent them, instead of having a lot of that  
7            time being gobbled up with each homeowner  
8            coming up with the objections.

9            So, you know, for whatever that's worth,  
10           Mr. Dickman, if you think that would be helpful  
11           to you --

12           MR. COE: I also want to remind the Chair  
13           that under City rules, at nine o'clock, we  
14           adjourn our meeting.

15           CHAIRMAN KORGE: Although we could extend  
16           it by --

17           MR. COE: You could extend it, if there's  
18           enough people that --

19           CHAIRMAN KORGE: We can extend that by  
20           motion, so -- but what would be helpful is if  
21           Mr. Dickman can make the bulk of the  
22           presentation, because he's been hired to do  
23           that and he's going to make a really good --  
24           I'm sure he's going to make a good presentation  
25           and represent the --

1 UNIDENTIFIED WOMAN IN AUDIENCE: We just  
2 want equal time.

3 CHAIRMAN KORGE: Right. So --

4 MR. BEHAR: You'll get equal time.

5 CHAIRMAN KORGE: Yes, sir, go ahead.

6 MR. DICKMAN: Good evening. Andrew  
7 Dickman. I'm an attorney hired by the  
8 Gables-By-The-Sea Homeowners' Association.  
9 Thank you for having me here.

10 Just for clarification, are we going to  
11 adjourn at nine o'clock or can you continue the  
12 meeting? Because --

13 CHAIRMAN KORGE: Well, technically, we can  
14 continue the meeting by motion of -- that's  
15 approved by the --

16 MR. COE: Majority.

17 CHAIRMAN KORGE: The majority of the Board.  
18 So --

19 MR. DICKMAN: Okay.

20 CHAIRMAN KORGE: I can't --

21 MR. COE: And what happens is, it's  
22 continued and you have to come back at some  
23 other meeting.

24 MR. DICKMAN: Okay.

25 MR. COE: Right?

1           CHAIRMAN KORGE: We would prefer not to  
2 continue this.

3           MR. DICKMAN: Yeah, I mean, because there  
4 are neighbors here, and I appreciate your  
5 comment about allowing me to make the case in  
6 chief and, you know, not have neighbors speak,  
7 but they aren't going to duplicate themselves.  
8 They do have a right to speak.

9           CHAIRMAN KORGE: Absolutely.

10          MR. DICKMAN: And, you know, they will  
11 speak. I've counseled them on, you know, being  
12 respectful and also, you know, not repeating  
13 themselves, so -- and I certainly -- My case in  
14 chief is not nearly as long as the two hours  
15 that Ms. Russo and her team took. It's just  
16 me.

17          MS. RUSSO: For the record --

18          MR. BEHAR: And for the record, it was an  
19 hour and 15 minutes.

20          MR. DICKMAN: Okay.

21          MS. RUSSO: Thank you.

22          MR. DICKMAN: Unless Tucker Gibbs shows up,  
23 my co-counsel -- I mean, your co-counsel.

24          MS. RUSSO: My co-counsel. We won't let  
25 him speak today.

1           MR. DICKMAN:  Again, let me just -- I want  
2           to put into the record, real quickly, I know  
3           that we have several hundred signatures and  
4           petitions.  I know the Board member raised that  
5           issue, about whether or not the signatures  
6           were before.  I think the point was whether  
7           they were before or after the meetings with the  
8           homeowners.  I can assure you that the  
9           signatures that you have, several hundred of  
10          them, are still valid.  They're recently  
11          collected, and they are from the  
12          Gables-By-The-Sea neighbors who are opposed to  
13          this, and I'm going to put in -- I have a  
14          couple more pages that the neighbors have given  
15          me, and I'm going to put these into the record,  
16          as well.

17                 The attorney for the school, Ms. Russo, and  
18                 the -- Mr. Krutulis and others, and Mr. Gibbs,  
19                 did give me a tour of the school.  I appreciate  
20                 that.  I really do.  They were very up-front  
21                 and honest about what they were going to do.  
22                 We were very clear about what our opposition  
23                 is, and it's very specific.  It's not  
24                 wide-ranging.  I think they touched on that,  
25                 but I'd like to go through that with you, so

1           that you can get our point of view from that.

2           First and foremost, you know, I have no --  
3           you know, I have no -- This has nothing to do  
4           with the mission or the good work that this  
5           school does. It absolutely has nothing to do  
6           with that. The only thing that we're dealing  
7           with and the only thing that you should be  
8           dealing with, quite frankly, is your  
9           Comprehensive Plan and your Zoning Code.  
10          That's it. So, if I speak only to that, it's  
11          not in -- it's not in any way disrespectful to  
12          the school, because I have great respect for  
13          them and -- but that's just not what this is  
14          about. It's about homeowners and  
15          compatibility, et cetera.

16          One of the things that I do want to mention  
17          and that I noticed when I read the Staff  
18          Report -- and your professional Planning  
19          Director cites numerous policies and objectives  
20          in your Comprehensive Plan -- is that among all  
21          the jurisdictions that I've worked in, and I  
22          represent only public interest groups, I don't  
23          represent builders and developers. I represent  
24          homeowners' associations. That's what I do.  
25          Your Comprehensive Plan happens to be probably

1 the most focused on neighborhood preservation,  
2 and I compliment you on that. I think that's  
3 an exceptional document, because there are  
4 many, many comprehensive plans that I've dealt  
5 with, where I've represented neighborhoods,  
6 that don't have policies that say, "Protect  
7 existing neighborhoods from intrusion of  
8 commercial traffic" and put an emphasis on  
9 existing neighborhoods. Your City has  
10 committed itself in its Comprehensive Plan,  
11 which is your vision for the future, to  
12 preserving its neighborhoods, and that is  
13 essentially a very, very important aspect to  
14 this.

15 And the aspect that we were discussing  
16 earlier, or you were discussing earlier, was  
17 the setback. In the Staff Report, you'll see  
18 that there are a list of policies, which is  
19 part of your Zoning Code. One of the findings  
20 that you have to make is that this is  
21 consistent with the Comprehensive Plan. One of  
22 the elements that was cited by your  
23 professional planning -- in fact, the first  
24 one, is that the inconsistencies -- This is on  
25 Page 16. "Inconsistent goals, objectives and

1 policies are as follows," and one of them  
2 happens to be FLU 1.3.2, and it had to do with  
3 the setback.

4 So your professional Planning Staff is  
5 already saying that if you approve this as the  
6 applicant has presented it, i.e., allowing them  
7 a variance into the setback area, that it will  
8 be inconsistent with your Comprehensive Plan.

9 Now, I probably don't have to remind you,  
10 is that under the Florida law on growth  
11 management, all development, all development,  
12 no matter what, has to be consistent with your  
13 Comprehensive Plan. So, if you have your  
14 professional Planning Staff already saying that  
15 unless this is put back to the setback, it's  
16 going to be inconsistent with that particular  
17 policy -- and that's just one policy -- you  
18 will be inconsistent; it will be inconsistent  
19 with the Comprehensive Plan.

20 I just wanted to point that out, because  
21 this is going to be a major issue, that of the  
22 items that he shows you, your professional  
23 planner shows you in here, is that of the  
24 criteria -- and this is on Page 13 -- there's  
25 seven criteria, and there's a typo here. It's

1           actually Zoning Code 3-506, not 507. The last  
2           one, 7, says conformity with the Comprehensive  
3           Land Use Plan. That's one of the findings that  
4           you have to make.

5           You also have to make, under 5, the  
6           compatibility of the proposed Planned Area  
7           Development with the adjacent properties and  
8           neighborhoods.

9           So this is what we're talking about. We're  
10          talking about a school that two sides of it is  
11          the Gables-By-The-Sea. I mean, that's what  
12          we're talking about. This is surrounded on two  
13          sides by Gables-By-The-Sea.

14          And let me just take a quick minute, if I  
15          would, to show you the diagrams that I have, so  
16          I can explain in more detail what our issues  
17          are, because I can get right to the point.  
18          This isn't going to be an extensive  
19          presentation. I want to get right to the  
20          point, so that some other individuals can come  
21          up, and I also want to, before I go forward --  
22          Carlos Santeiro is here. He's the president of  
23          the homeowners' association, along with  
24          Mr. Arturo Hernandez. I've asked them to come  
25          up right after me, because they're

1           representatives of the homeowners' association,  
2           and then I'm sure there will be other neighbors  
3           that would like to speak.

4           The graph that I have here is the site plan  
5           of the -- the proposed site plan, and what  
6           you're looking at is, the blue outline here is  
7           the proposed -- the proposed site area. I  
8           think that's what they call it. The whole  
9           property is here, but what they're proposing,  
10          of course, is to have the natatorium come over  
11          here. The orange is what is existing. So you  
12          can see very clearly how much they're going  
13          over the existing setbacks.

14          So this is one very big issue, and let me  
15          speak about the natatorium. The closer -- and  
16          I think Staff got it right. The closer that  
17          this is to the neighborhood -- and this is  
18          Campamento Avenue, and then you can see the  
19          houses actually here, and these are site plans  
20          that are in your packet and I'm sure you  
21          reviewed those. The closer you have this  
22          natatorium, which is a very, very large  
23          building -- I know the height of it is within  
24          the allowable height, but if you can see the  
25          massing of these buildings, it's very, very

1 large compared to these smaller scattered  
2 buildings, and this issue, putting aside the  
3 gymnasium, the natatorium, which they're saying  
4 is just a covered pool, the closer you get to  
5 Campamento, in addition to all the other  
6 incompatibilities, the greater the impact on  
7 the neighborhood. This is going to be a  
8 building that can be seen from the roadway,  
9 from houses, from two-story houses, and I'll  
10 get into that in a few minutes.

11 They mention, as one of the reasons for  
12 having a covered pool, is so the kids aren't in  
13 the sun. I'm sorry, that's just not part of  
14 your Zoning Code. I mean, I understand their  
15 position and their desire on it. There are  
16 pools all over the State of Florida with kids  
17 swimming in them. Ransom is going to have a  
18 pool that's outside. I just don't think that a  
19 covered pool as large and as big as what  
20 they're proposing, and as they're suggesting is  
21 just a covered pool -- I suspect that there's  
22 going to be other types of uses in there. We  
23 don't -- I haven't seen any floor plan of the  
24 interior of this area, but it is a very big  
25 building. Even if it is sloped this way, you

1 can still see -- it's still going to appear as  
2 a wall from the neighborhood. So we're very  
3 much opposed to this zoning variance, which  
4 is -- in essence, that's what it is, is a  
5 zoning variance.

6 The other issue that we have, of course, is  
7 the gymnasium. Again, you can see, the  
8 footprint of this particular building is huge.  
9 It is tall and it is huge. You can see it from  
10 that, and I don't take away from the need to  
11 have a place for -- an auditorium and a  
12 basketball court, but I don't think that it's  
13 necessary, when you look at the scale of these  
14 types of structures compared to the rest of the  
15 campus and also compared to how other  
16 private -- small private schools have. You  
17 don't need that size building for what you want  
18 to do. I appreciate the purpose of it, but it  
19 doesn't have to be that big.

20 The other big issue for us, obviously, is  
21 the use of Campamento, and obviously, you know  
22 that. You know that that's going to be a major  
23 issue. The problem that you're going to see,  
24 and I'm going to show you some photographs, I  
25 think Staff passed them out for you, is that

1           you have all kinds of traffic coming through  
2           here from the neighborhood.  You have 500  
3           homes.  They don't all use that roadway, but  
4           you have -- you have several hundred homes that  
5           uses -- that use this roadway, Campamento and  
6           Bernal, to come in and out of their homes, in  
7           the evenings, in the mornings.

8           You're going to see some photographs and  
9           you're going to hear some testimony from the  
10          neighbors of trucks queuing here, semi-tractor  
11          trucks that can't get all the way in, that --  
12          all kinds of interaction between kids crossing  
13          through the park, playing here, moms with their  
14          kids during the middle of the day, deliveries,  
15          et cetera.  This is a major source of  
16          incompatibility, because it is a neighborhood  
17          street.  It might be a public street, but it is  
18          a neighborhood street, where tractor-trailers  
19          do not belong.

20          It is our position that they can redesign  
21          the front of the campus so that the deliveries  
22          can come in along their southern boundary here,  
23          where I have shown in yellow, that there is  
24          nothing that I have heard so far that would  
25          prevent them from putting in the driveway --

1           instead of using the entrance in Campamento,  
2           and Ms. Russo mentioned fire -- well, that's  
3           fine. Have the gate there, in case there's a  
4           fire emergency. But it doesn't mean that the  
5           routine deliveries can't go through this way.

6           Yes, there is a playground here in the  
7           corner, but that certainly can be relocated in  
8           order to avoid the ongoing -- and we're talking  
9           about decades, or since they've started using  
10          this entrance, of problems with the traffic  
11          flow through Campamento, and the deliveries,  
12          and we're talking about deliveries all day  
13          long, and if you look at your packet, you could  
14          see this spreadsheet of when there's going to  
15          be garbage pick-up, when there's going to be  
16          paper delivered, when there's going to be  
17          cookies delivered. You saw all that. So it's  
18          an all-day delivery process, in addition to the  
19          neighbors trying to get in and out of their  
20          homes.

21          The playground, in fact -- and this might  
22          be a question that I direct to your Planning  
23          Director, is that I was looking at the Code,  
24          and it refers to accessory uses, and as I see  
25          it, this is the front yard, and it talks about

1           accessory uses for recreational equipment or so  
2           forth, and I have it, but it talks about that  
3           these recreational facilities actually probably  
4           should not even be in the front yards. And the  
5           justification that they're giving us is that  
6           there is some type of accreditation issue,  
7           where they have to have it there. But look at  
8           all of the space that they have. Almost half  
9           of their property is open. They have plenty of  
10          room to rearrange. They have plenty of room in  
11          the front to rearrange. I don't believe that  
12          their traffic engineer looked at any other --  
13          any other ways to alleviate this traffic, this  
14          traffic interaction at Campamento. Sure, he  
15          looked at the drop-on and drop-off issue here,  
16          but there was no attempt to redesign this so  
17          that there could be even any attempt to analyze  
18          whether this -- this delivery traffic can be  
19          captured internally. The same way that you  
20          would have on-site parking, you should have --  
21          you should capture your own on-site deliveries,  
22          and not bring it through this area.

23                 One of the things that I am going to show  
24                 you on the other diagram is that you're going  
25                 to see a diagram of a view, and this is

1           Campamento here, and then Bernal here. And  
2           this particular home -- and I believe the  
3           owner, Mr. Sanchez, is here, is a two-story --  
4           right here, a two-story building, a two-story  
5           house, and from that house, he's going to be  
6           able to see this building, this building, and  
7           this building, because remember, tennis courts  
8           are flat on the ground. This is going up to  
9           two stories. This will be two stories, two  
10          stories. He's going to be able to see this  
11          whole area from his home.

12                 And let me just point out, \$15,000 a year  
13          in taxes. Zero dollars a year in taxes.  
14          That's what he's paying, and this is what he's  
15          going to look at.

16                 The analysis that was done by the applicant  
17          did not look at two-story homes and what they  
18          would look at, and I also want to point out  
19          that along Bernal Street, the topography or the  
20          dirt that's there is rock, and it's very  
21          difficult to grow a ficus hedge there. I  
22          toured it with -- with the applicant, and it is  
23          very, very spotty, and you can see through it.  
24          And it's hard to believe that you're ever going  
25          to get full understory and overstory

1           landscaping that's going to totally block out  
2           these buildings.  These are very, very large  
3           buildings, and they're going to be imposing on  
4           neighbors, and this is just one example, not to  
5           mention the individuals that are going to be  
6           living on Campamento.

7           This particular diagram shows you two  
8           views.  They're side views.  This one is  
9           looking west.  So, in other words, if you are  
10          standing -- if you're standing in the field,  
11          this field actually over here, you're looking  
12          at this building, and that's what I was  
13          pointing out to you.  So he's going to be  
14          looking -- if you're in the Sanchez home, the  
15          second-story building, you're going to see the  
16          gymnasium here, with the -- all connected, the  
17          building and the natatorium.  It's important to  
18          see this when it's highlighted, because you  
19          don't really see it when it's just black lines  
20          and you see it in your packet.  I'm sorry, I  
21          don't know if you can see it from over there,  
22          but this is what's going to be seen.

23          I want to also point out that this is from  
24          Campamento, looking this way, and the pink is  
25          what they have on their plans, just the pink.

1 I'm not an architect. I happen to have a  
2 planning degree, before I was a lawyer, so I  
3 was able to put another story on here, just to  
4 get an idea, and you can see the line of sight  
5 here is actually, you will see -- this red line  
6 shows you the line of sight to the start of the  
7 natatorium, and then this line of sight, and  
8 this is a very crude house, but you can imagine  
9 balconies in some of the houses that are along  
10 Campamento. They're not all single-family  
11 houses. You're going to see the top of this  
12 natatorium, especially if you allow it into  
13 that setback, if you allow that variance. So  
14 this is what you're going to look at. Imagine  
15 that you're standing in their field, their  
16 baseball field, looking that way, or if you're  
17 standing in the Sanchez home, looking that way.  
18 That is what you're going to see. Sure, there  
19 might be some -- some tree-scape and things of  
20 that nature, but by and large, if you're in  
21 that size house, that's what you're going to  
22 look at.

23 If you're -- and this what you're -- this  
24 is, again, the home that would be on Bernal  
25 Street, and again, I've put in pink the house

1           that they're showing you, which is very  
2           surprising to me that they wouldn't at least go  
3           a step further and show you the two-story  
4           homes, because there are plenty of them, and  
5           you're going to hear people speak about that,  
6           that they're in two-story homes, to show -- and  
7           they've shown the tree story here, and at a  
8           two-story home, you're looking over the top of  
9           the trees, and you're going to see -- This is  
10          the baseball stadium, and then this is the --  
11          this is the gymnasium. So that's the view that  
12          you're going to have. These are gigantic  
13          buildings. These are very, very large  
14          buildings.

15                 What I'd like to do is walk through with  
16          you some of these photographs that I really  
17          want you to see, and --

18                 MS. RUSSO: Do you have a copy for me,  
19          Mr. Dickman?

20                 MR. DICKMAN: The clerk has all the copies.  
21          I gave them all to her. You can get them from  
22          her.

23                 The first one that I'd like to have you  
24          look at is actually the three-page one. And  
25          what I'm doing here is, I want you to see at

1           least one objective that's cited in your  
2           Comprehensive Plan, and it says, "The City's  
3           Comprehensive Plan. This element and all  
4           applicable plans and programs shall protect and  
5           minimize any potential traffic impacts to the  
6           community and residential neighborhoods."

7           What I've done here is, I've taken the  
8           aerial photographs that you can see here, and  
9           what you're looking at is the actual track that  
10          the trucks -- and we're talking about small  
11          delivery trucks up to tractor-trailers, have to  
12          take. They have to go through a very small  
13          gate house, they have to take a 90-degree angle  
14          turn, and then go up to Campamento and take a  
15          right, to get into the gate.

16          This is a -- Again, these are very small  
17          streets, and you can see the size of the park  
18          that is right there on the corner of  
19          Campamento, across from the gate. And then if  
20          you go to the next page, I've zoomed in with  
21          the aerial photographs to show you that there  
22          is at least an opportunity to bring these  
23          deliveries within the campus itself, in order  
24          to comply with that policy, that objective of  
25          the Comprehensive Plan, and all it would

1 take -- all it would take would be to use some  
2 other part of their property, and they have a  
3 huge amount of property, over 18 acres, to  
4 redesign that and move some of the kindergarten  
5 and the playground, which I really question  
6 whether that is -- whether that accessory use  
7 really ought to be in the front yard, under the  
8 Zoning Code.

9 So that's the issue that we have with the  
10 entrance, and it is a major issue. We haven't  
11 been shy about letting the school know that.  
12 They know that, and that is a gigantic issue  
13 that we believe needs to be resolved. And if I  
14 could, I'd like to go through the final set of  
15 visuals that I have for you, and again, I'm  
16 going to cite for you some of the policies.

17 The first one is to protect single-family  
18 neighborhoods from commercial traffic  
19 intrusion. And yes, this is a school, it's a  
20 private school, and in a sense, it is a  
21 business, but the commercial traffic is  
22 definitely a commercial enterprise. They're  
23 bringing -- they're buying goods and service;  
24 they're having waste picked up. They are  
25 having commercial traffic intrusion.

1           The first picture shows you the gate that  
2           you're looking at. Now, I know that part of  
3           the conditions that your Planning Director has  
4           is to have an enhanced gate. That's fine. The  
5           problem is that you're still going to have  
6           traffic in and out, and under the conditions  
7           that are being put forward, it's unrealistic.  
8           It's unadministerable. It leaves the burden up  
9           to the homeowners, to be able to have to call  
10          and say, "Well, I saw the Sysco truck here  
11          today, can Code Enforcement hurry up and come  
12          out?" By then, they're gone. And that's been  
13          going on ever since the so-called agreement to  
14          open this. It's just -- it's a good faith  
15          effort, I think, to try to set these standards  
16          for this entrance, but it's just simply  
17          unworkable.

18          The next picture I want you to see is the  
19          Dade Paper Truck, and you can see that all the  
20          cars are queuing up behind it, because this  
21          paper truck is trying to get into the gate,  
22          along with other cars that are teachers and  
23          other people that are parking in the "F" lot.

24          The next picture that I want you to see is  
25          the tractor-trailer that is backed up into the

1           entranceway, and then you see other delivery  
2           trucks that are in the waiting, they're queuing  
3           up. This particular tractor-trailer cannot  
4           even get all the way in, and can you imagine  
5           how it backed up? It had to pull in, take its  
6           time, probably took several minutes to get in.  
7           It's not a functional driveway for this type of  
8           activity.

9           The next picture, of course, you can see  
10          Sysco, another extremely large truck, on a  
11          residential area.

12          Then I want to talk about the buffering.  
13          Policy FLU 1.3.3 says, "Non-residential uses  
14          designated in the Comprehensive Plan which  
15          cause significant noise, light, glare, odor,  
16          vibration, dust, hazardous conditions, or  
17          industrial traffic," and again, this is  
18          industrial traffic, "shall provide buffering,  
19          such as landscaping, walls, and setbacks, when  
20          located adjacent or across the street from an  
21          incompatible use, such as a residential use."

22          Now, I know that conditions have been  
23          placed in your Staff Report about heavy  
24          landscaping around the border. The landscaping  
25          now is deplorable. Whether it's their fault

1           because of lack of maintenance, or somebody cut  
2           the shrubs down too low, or there's been an  
3           infestation of some type of insect, but the  
4           landscaping right now is bad, and they store a  
5           lot of athletic field equipment along  
6           Campamento. There's sheds, there's other types  
7           of things that are along the fence line on  
8           Campamento, that can be seen from the street.  
9           All of this needs to be addressed.

10                   The buffering must take place immediately.  
11           I know you heard counsel for the applicant  
12           complain about the 180 days. Well, quite  
13           frankly, the buffering is horrible now. So, if  
14           they want to take on this type of -- this type  
15           of large-scale development plan, why not be a  
16           good neighbor and go ahead and put in the  
17           landscaping now, because it's going to take a  
18           long time for it to mature. So you can see  
19           some of the -- how the landscaping, I mentioned  
20           it earlier, it's not really going to grow very  
21           well. I don't know if you've been on Bernal, a  
22           lot of rocks, very little soil. It's going to  
23           be very difficult to get that type of  
24           landscaping that you need to block out the  
25           view.

1           Finally, I want to point out the last  
2 policy --

3           (Cell phone ringing)

4           That's probably Tucker Gibbs calling.

5           "All development applications in the  
6 residential -- "

7           "All development applications in the  
8 residential neighborhoods shall continue to be  
9 reviewed by applicable boards and committees to  
10 ensure the protection from intrusion of  
11 incompatible uses that would disrupt and  
12 degrade the health, safety, tranquility and  
13 aesthetics" -- I want to emphasize that -- "and  
14 welfare of the neighborhood by noise, light,  
15 glare," and again, this is what I'm talking  
16 about, is, your Comprehensive Plan is very  
17 neighborhood-friendly, and the next set of  
18 pictures I want to show you are actually not  
19 from Campamento. They're from Coruno --  
20 Coruna, which is a street over from Campamento.  
21 And what I'm getting at here -- and actually, I  
22 believe, the person that took these  
23 photographs -- is that if you're in a two-story  
24 house on that side, you're going to be able to  
25 see the natatorium and the gymnasium from

1           there, and that's the problem here, is that  
2           they took the analysis from the standpoint of,  
3           this is a single-family home, single-story home  
4           type of use, and if you can see the actual  
5           pictures, you can see that it's very -- it's  
6           very visible. The campus is very visible from  
7           that street, not even from Campamento.

8           So what we would like you to do, in short,  
9           is to accept the part of your Staff  
10          recommendation that says no to the side yard  
11          variance for the natatorium, have them -- We  
12          would support simply an open-air pool. We have  
13          no problem with young children playing in a  
14          pool. We have a park, a neighborhood park  
15          there, with young children playing. We believe  
16          that that's a neighborhood type of activity.  
17          So we don't have a problem with an open-air  
18          pool. We don't think the fact that they want  
19          to keep the sun off the kids is sufficient to  
20          impose such a huge building on a neighborhood  
21          and then, at the same time, ask that it be 20  
22          feet closer.

23          We would oppose the construction of the  
24          gymnasium as it's designed, because it's just  
25          simply too big. It's going to be viewed. We

1 think the analysis needs to be redone, to see  
2 how this is going to impact larger homes that  
3 are in Gables-By-The-Sea. I think they took  
4 that approach because it doesn't look --  
5 because the landscape buffering will somehow  
6 show that it will not be seen. In fact, I  
7 think their architect said, "You can't see it."  
8 I don't know if those are exact words, or, "You  
9 won't see it." And that's simply not true.  
10 You will see these buildings. That's how big  
11 they are.

12 As far as the --

13 MR. COE: Excuse me, sir, before you  
14 continue.

15 MR. DICKMAN: Yes.

16 MR. COE: I want Mr. Chairman to observe,  
17 it is nine o'clock. I move that we extend the  
18 meeting 30 minutes.

19 CHAIRMAN KORGE: Motion to extend for 30  
20 minutes.

21 MR. FLANAGAN: Second.

22 MR. SALMAN: Second.

23 CHAIRMAN KORGE: Second. Any discussion?

24 MR. BEHAR: Actually, if you don't mind,  
25 Jack, I think we extend it to 9:45, to give

1           them exactly the same time that the other group  
2           had allowed.

3           MR. COE:    That's fine.  I'll accept that.

4           CHAIRMAN KORGE:  Okay.

5           MR. SALMAN:  Second.

6           CHAIRMAN KORGE:  Okay.  Call the roll on  
7           that, please.

8           MS. MENENDEZ:  Eibi Aizenstat?

9           MR. AIZENSTAT:  Yes.

10          MS. MENENDEZ:  Robert Behar?

11          MR. BEHAR:  Yes.

12          MS. MENENDEZ:  Jack Coe?

13          MR. COE:  Yes.

14          MS. MENENDEZ:  Jeff Flanagan?

15          MR. FLANAGAN:  Yes.

16          MS. MENENDEZ:  Pat Keon?

17          MS. KEON:  Yes.

18          MS. MENENDEZ:  Javier Salman?

19          MR. SALMAN:  Yes.

20          MS. MENENDEZ:  Tom Korge?

21          CHAIRMAN KORGE:  Yes.

22          MR. DICKMAN:  Thank you.

23                 Article 3 in the Zoning Code is the  
24                 development review that controls what it is --  
25                 along with the Comprehensive Plan, that

1 controls how these types of projects are to be  
2 reviewed, and under one part of it, it states  
3 that accessory uses and structures -- "Uses and  
4 structures which are customarily accessory and  
5 clearly incidental to permitted uses and  
6 structures are permitted in a PAD subject to  
7 the provisions of Article 5, Division 1," and  
8 when you look at Article 5, Division 1, that's  
9 where I notice that you have a -- you have  
10 Article -- you have Section 5-109, and it talks  
11 about recreational equipment, and this is in  
12 Article 5, which is part of the -- it's  
13 connected to the area that -- the article that  
14 you're supposed to use to review, and it says,  
15 "Nonmovable recreational equipment, including  
16 swing sets, jungle gyms, basketball poles, et  
17 cetera, are permitted to be placed, kept or  
18 maintained in any interior side or rear yard  
19 only."

20 And that -- you know, that's my question,  
21 actually, because when I look at this, they're  
22 saying that the jungle gyms and the swing sets  
23 for the pre-K kids in that area, where the  
24 driveway should be to bring in deliveries, has  
25 to be there. In my reading of your Zoning

1 Code, as an accessory use, it has to be on your  
2 side yard or in your rear yard. And quite  
3 frankly, when you look at the amount of space  
4 that they have, there's just no reason why they  
5 can't redesign that huge front end, that huge  
6 circular area, and redesign and relocate in  
7 some fashion that small playground, which  
8 perhaps is illegal, or contrary to your Zoning  
9 Code, in order to get the traffic off of  
10 Campamento. Sure, the gate can be there for  
11 fire and emergency issues, but it's time to  
12 correct this problem, and all of the safeguards  
13 that Staff has mentioned in the Staff Report --  
14 and I commend them for that, I think that  
15 they're doing their best to try to alleviate  
16 any of the incompatibilities, but they're  
17 simply unenforceable.

18 This has been going on since that  
19 agreement, so-called agreement, to close the  
20 gate and put up a gate -- or, close in the  
21 fence, close Red Road, but there's just no way  
22 to enforce it. There can be -- there can be  
23 any number of safeguards, when the cookie truck  
24 can come in, when the garbage can come in, but  
25 there's no way to enforce it. It's simply not

1 enforceable. And by the time a tractor-trailer  
2 is parked there and someone is able to call  
3 Code Enforcement, it's going to be gone.

4 So the only way to deal with this is the  
5 same way that you deal with parking, is to say,  
6 "Keep your parking on your own site for all  
7 your uses. Keep your deliveries on your own  
8 site for your uses. Don't bring them through  
9 your neighborhood."

10 In your Comprehensive Plan, as Staff has  
11 pointed out -- and again, I compliment them for  
12 that, because many, many jurisdictions that I'm  
13 in, I mention the Comprehensive Plan and they  
14 just look at you and go, "What's that," you  
15 know. But your Staff understands that the  
16 development has to be consistent with the  
17 Comprehensive Plan, and their very first --  
18 very first policy that they mention, where  
19 they're saying, "We're opposing the  
20 natatorium" -- and they're not -- even Staff  
21 said, they're not making a judgment call on the  
22 natatorium right now, because they haven't seen  
23 a revised plan, and it's up to the applicant to  
24 decide whether they want to revise the plan.  
25 But they're saying that it is inconsistent with

1           that policy as shown on the plan, and you  
2           cannot, under the State of Florida law, have  
3           something that's inconsistent with your  
4           Comprehensive Plan or you run the risk of  
5           someone filing a petition, saying that it is  
6           inconsistent. And I think that your Staff is  
7           trying to ask you to avoid doing that, and I  
8           think they're asking you to do the right thing.

9           So, in short, we want these buildings, the  
10          mass of these buildings, to be lower. Our  
11          biggest issue has to do with that Campamento  
12          entrance, and we think that that can be solved,  
13          and we think that this Board can instruct them  
14          to go back and investigate whether they can  
15          actually bring their traffic in through that  
16          area. I have not heard one iota of analysis,  
17          substantial competent evidence showing that  
18          they can do this or not, other than the fact  
19          that they've said, "We've got a tot lot there  
20          and we need it for accreditation."

21          So that's really it. Very short, very  
22          specific issues that we've had. Unfortunately,  
23          we've not been able to have a meeting of the  
24          minds with the school, and other than that, we  
25          would support the Staff on the issue of the

1 natatorium.

2 MR. COE: Mr. Chairman, I just have a  
3 couple of questions --

4 MR. DICKMAN: Yes, sir.

5 MR. COE: -- of counsel.

6 Tell me, as a matter of right, how high a  
7 building can Gulliver now build?

8 MR. DICKMAN: I believe they're at 40 -- I  
9 think it's 42; is that correct?

10 MS. RUSSO: 44.

11 MR. DICKMAN: 44.

12 MR. McGRAW: 45.

13 MR. DICKMAN: 44 up to the parapet. I  
14 think that they have parapets.

15 MR. COE: And the proposed buildings are at  
16 what height?

17 MR. DICKMAN: They're at 40-- I think  
18 they're at 44 or 42.

19 MR. RIEL: The Code allows 45.

20 MR. COE: That's what I thought.

21 MR. RIEL: The buildings are built at 44.

22 MR. DICKMAN: They're right at the top.

23 MR. COE: A foot below.

24 MR. McGRAW: It's 45 above the crown of the  
25 road.

1           MR. DICKMAN:  At any rate, they're at the  
2           top -- they're --

3           MR. COE:  What I'm getting at --

4           MR. DICKMAN:  They're at the top --

5           MR. McGRAW:  That's another five or six  
6           feet right there.

7           MR. COE:  I understand your argument.  A  
8           lot of it I agree with, by the way.  But my  
9           concern is, if they can go 45, as a matter of  
10          right, they don't need us to approve or  
11          disapprove.  They can go build a 45-foot  
12          structure, and in the photographs you're  
13          showing, taken from a second-story residential  
14          house, you're going to have the same problem.

15          MR. DICKMAN:  That's true.  They can, as of  
16          right, just like my clients can, as of right,  
17          build to what they have in their Zoning Code,  
18          but they are here asking you for permission to  
19          change their Master Plan, and because it's a  
20          PAD, you are taking this as a whole and not as  
21          just a one building.  You know, you have to  
22          look at the whole, and what we're saying is  
23          that, yeah, the height is very large, it's up  
24          to what they can do, the maximum, almost the  
25          maximum, but look at the size of the building.

1           When you look at the actual size and wall of  
2           the building, it's much taller.

3           Their other buildings on their site plan  
4           are going to be as high, but they're so much  
5           smaller and in keeping with the neighborhood.

6           MR. COE: Well, in keeping with the  
7           neighborhood or in keeping within the plan of  
8           Gulliver, or both?

9           MR. DICKMAN: You know, like I said, if you  
10          look at every other building, they're three  
11          times less the size of these two buildings.

12          MR. COE: Now, as a matter of right --  
13          forget the setbacks. As a matter of right,  
14          besides the height, what's the limitations on  
15          massing?

16          MR. DICKMAN: I'm sorry, what was the  
17          question?

18          MR. COE: Forget the setback issues. As a  
19          matter of right, what currently -- under the  
20          current plan, what is their limitations on  
21          massing a building? How big a building can  
22          they build? We know what the height maximum  
23          is. What's the square footage?

24          MR. DICKMAN: Well, they're adding a  
25          hundred -- roughly a hundred thousand square

1 feet. That's what they're doing. But again,  
2 I'm not going to deny that they're working as  
3 of right. They're working as of right. They  
4 have 18 acres. They can -- Their FAR, they can  
5 meet that. I'm not arguing that. Their open  
6 space, I'm not arguing that. But because this  
7 is a PAD and it's not just a building coming in  
8 under the Zoning Code, they're asking for a  
9 PAD, to amend their Master Plan.

10 MR. COE: Except --

11 MR. DICKMAN: And we wouldn't be here today  
12 if it wasn't a PAD, and that's why they're here  
13 before you --

14 MR. COE: Okay.

15 MR. DICKMAN: -- to take in -- to weigh the  
16 options.

17 MR. COE: I'm trying to narrow what we're  
18 talking about. So your basic disagreement is,  
19 if they want to come in and amend the PAD, then  
20 we, as the Planning and Zoning Board, should  
21 look at the entire project as a whole?

22 MR. DICKMAN: That's exactly right. And --

23 MR. COE: And when we do that, you're  
24 suggesting, then, that we should question the  
25 height and massing of the structure and whether

1 or not the swimming pool needs to be covered,  
2 and we should also look at existing traffic  
3 patterns, with commercial vehicles coming into  
4 the school. That's basically your argument?

5 MR. DICKMAN: Well, it's in your Staff  
6 Report. It's saying the findings that you have  
7 to make not only deal with the Comprehensive  
8 Plan, but also -- and your Zoning Code has to  
9 say, you have to consider the neighborhood --

10 MR. COE: Sure.

11 MR. DICKMAN: -- and not just take Gulliver  
12 as its own, as if it were on an island, so to  
13 speak. You have to consider its relationship  
14 to the neighborhood.

15 MR. COE: I just want to sort of  
16 crystallize your argument. That's what I  
17 thought you were saying, but --

18 MR. DICKMAN: Thank you.

19 MR. COE: -- I just wanted to get that reduced.

20 MR. DICKMAN: Yeah, thank you. I'll be  
21 happy to answer any other questions.

22 MR. AIZENSTAT: When you spoke about the  
23 pool -- you were talking, actually, about the  
24 setback on the pool -- you're objecting to the  
25 covering of the pool, and you said, "We would

1 love them to have a pool there without any roof  
2 or cover." But what about if the pool still  
3 encroaches within that 80-foot setback? How do  
4 you feel about that?

5 MR. DICKMAN: Well, that's something I  
6 definitely would have to consider, if it was a  
7 smaller building, because I think the pool is  
8 already there. We already see the pool. We  
9 already hear the kids playing. That's not the  
10 big issue.

11 The reason that the building is so big is  
12 because they want to cover it, and maybe it's  
13 something you have to ask the applicant, what  
14 else are they using within that to make the  
15 building so large? But I understand your  
16 question. Would -- if it were 60 feet from --  
17 a 60-foot setback, rather than the 80 feet --

18 MR. BEHAR: With no structure.

19 MR. DICKMAN: -- and it was just a pool --  
20 That's an interesting question. I haven't --  
21 We haven't even engaged in that discussion.

22 MR. AIZENSTAT: But the reason I ask that,  
23 part of your strong argument was, the Zoning  
24 Code does site-specific setback. But wouldn't  
25 you now be going against what your argument was

1 to us, if you say that?

2 MR. DICKMAN: Well, no, I -- well, if I say  
3 that -- I haven't discussed it with my clients,  
4 but again, it's one of those things that if it  
5 were to allow for mitigation of the impact of  
6 the existing building, maybe we would look at  
7 it. But I think that, quite frankly, what  
8 Staff is saying is that the size of the  
9 building, in connection with what that policy  
10 says, which is intrusion into the neighborhood,  
11 is the connection. Perhaps a smaller single  
12 pool -- I don't even know where it is, if it's  
13 80 feet. I personally believe the law says the  
14 law, and if that's -- and my personal approach  
15 is that if the setback is the setback, that's  
16 what it should be. In zoning vernacular, you  
17 have to have hardship in order to reach into  
18 the Zoning Code, so --

19 MR. AIZENSTAT: That's why I'm wondering.

20 MR. DICKMAN: But under your PAD, you're  
21 allowed for flexibility of design. So I  
22 personally -- if you ask me personally, I would  
23 prefer that it be 80 feet back, but I've never  
24 had that conversation with my clients.

25 MR. COE: And they're essentially asking

1 for a variance, is what they're doing.

2 MR. AIZENSTAT: Right.

3 MR. DICKMAN: Of course. On both sides.

4 MR. AIZENSTAT: And then we would be before  
5 a different Board, if that's the case.

6 MR. DICKMAN: They're asking for a greater  
7 variance on the other side, and the  
8 justification is that there aren't any homes.

9 MR. COE: Without showing legal hardship.

10 MR. AIZENSTAT: Well, it wouldn't be our  
11 decision at that point. It would be before the  
12 Board of Adjustment, if that were the case, by  
13 law.

14 MR. RIEL: No, no, no. Let me clarify.  
15 Let me clarify.

16 MR. COE: We're redoing the Master Plan.

17 MR. RIEL: They're asking for a PAD  
18 assignment, which, under the Zoning Code,  
19 allows the flexibility to do reduced setback to  
20 come up with a better design. So it's not a  
21 variance.

22 MR. COE: Well, it's an end run around a  
23 variance. They could go right now and try to  
24 seek a variance, but of course, they can't show  
25 legal hardship, so the variance would be

1 denied.

2 MR. RIEL: But the criteria of a hardship  
3 are not applicable to this.

4 MR. COE: Exactly. It would be -- They  
5 can't show any legal hardship. So what they're  
6 trying to do is to do this in another manner,  
7 and so they want us to essentially amend the  
8 Master Plan and reduce the setback.

9 MR. DICKMAN: In other words, if they were  
10 just to come in and say, "We want to do the  
11 natatorium," you know, would that be a PAD or  
12 just a building they want to build and then  
13 they would ask for a variance? But they're  
14 doing this Comprehensive Plan. They're not  
15 going to build it all at once. It's part of  
16 their capital campaign. Who knows when their  
17 construction is going to happen, et cetera, et  
18 cetera.

19 So, you know, I don't blame them. They  
20 want to show what they're going to do. They  
21 want to be able to sell it to their parents,  
22 and, you know, all the schools are doing that,  
23 Ransom -- I mean, that's the business that  
24 they're in. I mean, no disrespect to the good  
25 works that they're doing for the students and

1 the baccalaureate program that they have, but  
2 this is a private school with a business, and  
3 yeah, they are asking for variances. Your  
4 Planning Director is correct, that the point of  
5 the PAD is to get flexibility of design, and  
6 what we're saying is, the design that's being  
7 presented is contrary to your Zoning Code and  
8 also contrary to your Comprehensive Plan, and  
9 that's a big problem.

10 MR. AIZENSTAT: The existing pool that's  
11 there now -- you said you're putting the pool,  
12 just a new pool, in the same spot. Is that  
13 existing pool encroaching, today?

14 MR. DICKMAN: I believe --

15 MR. COE: Who are you directing that to?

16 MR. AIZENSTAT: Probably to the applicant.

17 MS. RUSSO: No, it's not encroaching.

18 CHAIRMAN KORGE: Laura said no.

19 MR. DICKMAN: Is there an existing site  
20 plan in your packet?

21 MS. RUSSO: It's not encroaching, no.

22 MR. FLANAGAN: Okay. I asked -- I was told  
23 earlier the distance from the southern edge of  
24 the building to the southern edge of the pool  
25 was 20 feet, and they're asking for a 60-foot

1 setback, where 80 would be required.

2 MR. COE: Right.

3 MR. FLANAGAN: So, assuming what we're  
4 being told is correct, the pool sits right at  
5 the setback line.

6 MR. COE: It abuts it, exactly. That's the  
7 problem.

8 MR. AIZENSTAT: It abuts it.

9 MR. DICKMAN: If there's no other  
10 questions, I'd like to ask the president,  
11 Carlos Santeiro, and then Arturo Hernandez to  
12 come up, and then that's it.

13 MR. SANTEIRO: Good evening. I'm Carlos  
14 Santeiro. I live at 12500 Ramiro Street. I'm  
15 the president of the homeowners' association.

16 We built our home in Gables-By-The-Sea in  
17 1996. In 1998, Gulliver requested an increase  
18 in enrollment to 1,162 students, and that was  
19 approved by the neighbors. At that time,  
20 Gulliver agreed to file a Master Plan, limiting  
21 their growth in the future. That plan was  
22 filed and agreed to by all.

23 Gables-By-The-Sea residents spent a  
24 substantial amount of time in that process, but  
25 here we are again. Gulliver is now requesting

1 changes to that Master Plan that will double  
2 the size of its current facility. They are  
3 proposing to build an additional 99,675 square  
4 feet, where what they have remaining, available  
5 to be built, is 21,880. This is a -- We  
6 believe that this is a substantial change to  
7 the Master Plan, not just a change. I know  
8 that master plans can change, especially in  
9 this case, due to educational requirements,  
10 technology, as they mentioned. But these are  
11 substantial changes. These aren't changes  
12 where we're changing -- adding classrooms or  
13 labs, which they are adding, which we don't  
14 have -- we're not objecting to. We're  
15 objecting to the nature of the facilities that  
16 they're adding. They're adding a gymnasium,  
17 which is 44 feet high. They're adding a  
18 natatorium, or proposing to add a natatorium.  
19 They're adding a press box and a field house,  
20 that when we asked, "Why is this necessary,"  
21 they said, "It's for recruiters."

22 I said, "Recruiters for a K through 8?"  
23 And they said, "Well, the high school practices  
24 here." Well, you know, this is a K through 8  
25 school. When we built here, in 1996, it was an

1 elementary school. Now we're building  
2 facilities for their other schools, for their  
3 other properties.

4 I think the size, scope, architecture and  
5 massing of these facilities is substantially  
6 out of character for the area, substantially  
7 out of character. The Architectural Review  
8 Board told them that. When they said, "Oh, but  
9 we're going to hide the buildings. We're going  
10 to hide it with landscaping," the Architectural  
11 Review Board told them, you know, "Landscaping  
12 is not a screen. You know, you have to  
13 consider architecture." And what the  
14 Architectural Review Board said is -- or the  
15 City Architect reminded the Architectural  
16 Review Board is that, "At this point, you're  
17 approving the Master Plan, the site plan.  
18 You're not approving architecture. And you'll  
19 have to come back with architecture."

20 I think the massing of these buildings and  
21 that gymnasium is way out of character. It's  
22 not in keeping with the existing architecture  
23 of the school. They're massive. They're  
24 massive buildings. And I think that if they  
25 need a gym, they can build a gym. They don't

1           have to build a 40-foot-tall one.  If they need  
2           a pool, they can add a pool.  They don't have  
3           to cover it with this roof, this structure  
4           that's going to be seen by everybody that has a  
5           second floor.

6           The character of this neighborhood is  
7           changing over time.  There's a lot of  
8           single-story homes.  Now people are building  
9           two-story homes.  They're adding to the second  
10          floor.  These are small lots.  People who are  
11          building new homes here want the second story.  
12          You'll be seeing the gymatorium and you'll be  
13          seeing, you know, this roof structure over this  
14          pool.  Build a pool, but don't cover it.

15          I believe that the neighbors negotiated in  
16          good faith in 1998, you know, and they said,  
17          "Okay, increase enrollment.  File a Master  
18          Plan."  They did.  You know, now we're not  
19          going back and saying, "Hey, let's go back.  We  
20          want to take away the additional enrollment."  
21          But they have the right to renegotiate the  
22          Master Plan and say, "We want to build more  
23          square footage."

24          So, as a neighborhood, we kind of feel  
25          tricked.  In other words, we agreed to the

1           increase.  We're not reducing -- or we're not  
2           going back and asking to reduce it, but you're  
3           coming back and asking us, you know, to change  
4           the Master Plan, you know, and increase it  
5           substantially.

6           I don't think this Master Plan provides any  
7           additional public benefit.  The proposed  
8           changes are not compatible with the  
9           neighborhood.  The neighborhood is obviously  
10          against, you know, this Master Plan change,  
11          evidenced by all the petitions.  I did review,  
12          you know, what everybody sent in, which is part  
13          of the planning report.  There are two or three  
14          people in Gables-By-The-Sea, you know, who said  
15          they were for it, and I also saw that there  
16          were people who live on Southwest 106th Street,  
17          Dadeland Boulevard, Ponce Road, Cremona Street,  
18          Edgewater Drive, Brickell Bay Drive, South  
19          Bayshore Drive, Moorings Way, Harbor Drive and  
20          Mariner Drive in Key Biscayne, and even Evan  
21          Road in Lebanon, Missouri.  They're for it.  
22          Okay?  They don't live anywhere near the  
23          school, as probably a lot of people who were  
24          here outside tonight.

25          The report from the Planning Department,

1           you know, gives a lot of conditions to their  
2           recommended approvals. I don't know who's  
3           going to enforce these, because it's very  
4           difficult. I mean, there's a lot of Code  
5           violations. It's not -- The property around  
6           Gulliver has been very poorly maintained  
7           through all the years. I urge everybody to  
8           drive around -- and not just the front of the  
9           school, around the back of the school, or drive  
10          next to the school, drive behind the school,  
11          and you'll see how the property has been  
12          maintained for years.

13                 One of the things is that we, as Coral  
14          Gables residents, there's a right-of-way in  
15          front of all our homes, and we take care of  
16          that. You know, there's a 10-foot right-of-way  
17          that the City owns. We take care of that.  
18          We're taxpayers, and we take care of it.  
19          Gulliver doesn't pay taxes, and the City mows  
20          their right-of-way. I don't understand that.  
21          Okay?

22                 You know, I know that the 1995 agreement  
23          gives them the right to add that rear gate, but  
24          what I don't understand is why that agreement  
25          must stand, yet their agreement to a 1998

1 Master Plan doesn't stand. That can be  
2 revisited. That can be relooked at. But ours  
3 can't? I mean, whatever -- you know, the gate  
4 has to stay, but the 1998 Master Plan can  
5 change? You know, I don't think that that's  
6 right.

7 I think that if you see these pictures, and  
8 we have plenty more, the tractor-trailers  
9 lining up, you know, for deliveries and so  
10 forth every morning. That's resembling an  
11 industrial look inside a residential  
12 neighborhood, and that's not right. That's not  
13 right, and some of the pictures you see, you  
14 see the trucks, you see the kids being dropped  
15 off, you see parents coming in. There's a  
16 certain number of parents who are allowed to  
17 use that rear gate, but once they -- because if  
18 they live in the neighborhood, they can use  
19 that rear gate. That's the agreement Gulliver  
20 has. But what happens is, they come, they drop  
21 off. There's no driveway. There's no  
22 turn-around. So they end up driving through  
23 people's driveways to turn around, to leave the  
24 neighborhood -- to go back to their homes.  
25 There's some people that have orange traffic

1           cones in their driveways, and I was always  
2           wondering what it was there for, and it's  
3           because the Gulliver parents make U-turns in  
4           their driveways. That's no way to live.  
5           That's not right. You know, so I think that  
6           rear gate, you know, the use of that rear gate,  
7           has to be limited.

8           They claim that relocating this rear gate,  
9           or, you know, to the front, that it impacts  
10          some accreditation that they have and so forth,  
11          for the pre-school, but when we tried to  
12          demonstrate this, and we showed them, just like  
13          Andrew did, they said, well -- you know, one of  
14          their members of their staff said to me, "Well,  
15          it would be very difficult to raise money for  
16          relocating a driveway. It's a lot easier to  
17          raise money for a gym." If that's the only  
18          issue -- you know, they're raising a lot of  
19          money here. There's a substantial amount of  
20          construction going on. I think this driveway  
21          can be relocated.

22          You know, one of the things, also, with the  
23          nature of these facilities, you know, these  
24          are -- I know they're going to submit the hours  
25          and so forth, but the nature of these

1 facilities is going to encourage a lot of  
2 after-hours use, a lot more after-hours use.  
3 Right now, at least you know when the school  
4 ends and so forth, like they say, until --  
5 there's less traffic. But once you start  
6 having a gymnasium and natatorium and so forth  
7 in these facilities, it's going to increase  
8 traffic, you know. I think that as a  
9 neighborhood, you know, we've tried to  
10 negotiate with Gulliver. We've tried to talk  
11 to Gulliver. Yes, they have gone through the  
12 motions. We expressed our concerns. They  
13 haven't addressed any of them. You know, none  
14 of our concerns have been addressed. We  
15 received a -- We were expecting a response from  
16 them. We received a letter, I think it was  
17 yesterday, that said in light of Staff's  
18 recommend-- you know, recommendations in their  
19 report, we don't think we need to negotiate  
20 anything.

21 So I heard somebody mention earlier,  
22 compromise. I heard Laura mention compromise.  
23 I don't think there's been any compromise here.  
24 It's just been all, you know, one-sided.

25 And so, anyway, that's really our position.

1 I urge you to consider all of our objections  
2 and the objections of all the petitions you  
3 have. You see it's a huge number of people, as  
4 Eric said. You know, we have been very  
5 involved in this process, as a community, and I  
6 urge you to consider the objections of the  
7 majority of the tax-paying property owners, and  
8 vote against this amendment. You know, please  
9 vote as if you live in our neighborhood.

10 Thank you.

11 Okay, we did our -- The association did  
12 vote unanimously, and we have a resolution that  
13 we have filed, as well, you know, against this  
14 amendment.

15 I also want to point out one other thing.  
16 Laura mentioned the fire protection and fire  
17 access and so forth. In this drawing, if there  
18 is a fire, there is a -- a fire station on Old  
19 Cutler and Red Road, and if you look at this  
20 map, when they come from Old Cutler and Red  
21 Road, they're not going to come in all the way  
22 to 128th, to go through the guard house, to  
23 make a left, to make a right, to make a left,  
24 to go into Gulliver. They're going to go to  
25 the quickest access, and by the time they do

1 all this, the building will be burned down. So  
2 I think -- and I think they are going to be  
3 required to put a fire lane through the  
4 property, anyway, at some point, but I think  
5 the best way to -- you know, to address a fire  
6 is from Red Road, not through -- not through  
7 the community, but that would be up to the Fire  
8 Department, anyway.

9 MS. HERNANDEZ: Right.

10 MR. SANTEIRO: Anyway, thank you very much.

11 MR. HERNANDEZ: Good evening, Mr. Chairman  
12 and Members of the Board. My name is Arturo  
13 Hernandez, and I'm a resident of Coral  
14 Gables-By-The-Sea since 1992. I built my home  
15 there at 1230 Cartagena Avenue. Cartagena  
16 Avenue intersects Bernal, which forms the  
17 western border of -- or the eastern border of  
18 Gulliver field. In other words, I live  
19 directly behind Gulliver field, and in the  
20 period of time when -- and I echo, obviously,  
21 everything that has been previously said here  
22 by both Mr. Dickman and Mr. Santeiro. I have  
23 no additional revelations to give to the Board  
24 about what's going on, but perhaps I can give  
25 you a perspective as a homeowner.

1           When I moved in, in 1992, I had two small  
2 children. Coincidentally, both of my children  
3 went from first grade to senior high at  
4 Gulliver, and I was a Gulliver parent and  
5 participated, as did my wife, in the daily  
6 activities of Gulliver, and was a big Gulliver  
7 fan, and to this day, remain a Gulliver fan.

8           But I well remember -- and I want to remind  
9 all of you of this. We don't -- as a  
10 homeowner, as someone who will be directly  
11 impacted, we don't bring that element of  
12 dispassion, perhaps, that our legal counsel,  
13 Mr. Dickman, brings, and that's a good thing,  
14 because that brings a level of objectivity that  
15 you need to make your decision. But let's be  
16 quite frank. This is an issue that raises  
17 certain passions. Why? Because it is a  
18 quality of life question.

19           When I purchased in 1992, I had two small  
20 children, and this was the home that I built  
21 from scratch, and the quality of that  
22 neighborhood has not gone up. The quality has  
23 either plateaued or gone down. And part of how  
24 you make an analysis of what constitutes  
25 quality of life are a couple of things, and

1           they're not -- they're not difficult to  
2           understand.

3           Number one, you have the safety issue.  
4           Number two, you have the density issue. Number  
5           three, you have the aesthetics. We pay -- and  
6           I decided to locate my family in  
7           Gables-By-The-Sea because when I analyzed all  
8           of those factors, I came to the conclusion that  
9           this was the place where I wanted to raise my  
10          children.

11          Now, I was there, I was, and I can bear  
12          witness to the changes in the community. I was  
13          there in 1998, when the Master Plan was  
14          negotiated, and I was one of those who opposed  
15          the negotiation, because it seemed to me that  
16          all of our interests were negotiable and none  
17          of theirs actually were. But the day was  
18          carried by those who wanted to come to some  
19          accommodation and some happy coexistence with  
20          Gulliver. But I well remember, and I want to  
21          remind all of you, that I anticipated at that  
22          time that we would be revisiting the three  
23          promises that were made to us at that time.  
24          Number one, that this was a Master Plan that  
25          would regulate the development, because if you

1 don't have regulation, then what you have is  
2 tumoric growth, you know, you have cancerous  
3 growth. You have unregulated growth that will  
4 impact quality of the community, number one.

5 Number two, there was the understanding  
6 that there would be a cap on the enrollment,  
7 that Gulliver could not grow exponentially from  
8 the point of view of its census and its student  
9 population, which would, of course, affect the  
10 density and the traffic issues of the area.

11 And number three, that there was  
12 concessions on our end that had to do with the  
13 Campamento gate and the access through the  
14 Campamento gate that you've heard so much  
15 discussion about.

16 So, essentially, the way that I view this  
17 is, I view this in contractual terms. There  
18 was an agreement by which to regulate the  
19 growth of Gulliver between these diametrically  
20 opposed interested parties, the homeowners, who  
21 have an interest in maintaining the property  
22 values, and the interests of the Gulliver  
23 Corporation, that has an interest in the  
24 Gulliver Corporation. And these two interests  
25 collided in 1998, an agreement was reached, and

1           now, 12 years later, we're revisiting the same  
2           issue, and as Mr. Santeiro indicated, this  
3           isn't just some cosmetic redesign of the  
4           existing facilities. This is a doubling of the  
5           square footage.

6           They have made several points, and these  
7           are all persuasive points, to get you to  
8           believe that there really is an educational  
9           reason why they have to double their square  
10          footage. It's nonsense. No one makes a  
11          capital investment of this nature without  
12          looking at revenue. It just doesn't happen in  
13          the real world. And how is that revenue going  
14          to occur? It's going to occur by the  
15          incrementation of two things, events and  
16          sporting events. And that's what these  
17          facilities are going to do. They're going to  
18          provide servicing for their competitive  
19          outlets, their high school baseball teams,  
20          their dance programs, whatever it is that they  
21          have in mind to use these facilities, which  
22          will, again, affect quality of life and the  
23          property values, because it affects the basic  
24          principles by which you make a determination of  
25          the quality of life that I started out by

1           indicating, which is the traffic issues that  
2           they bring, the noise that they bring, and just  
3           the congestion and the density that they  
4           impact.

5           So I just -- you know, this is like, you  
6           can put lipstick on the pig, but it's still a  
7           pig, and this is an enormous project that is a  
8           breach of contract issue for me, and frankly,  
9           if necessary, and there's been some discussion  
10          about this, if this -- which is another  
11          concern, which is that this will generate the  
12          possibility of litigation, which nobody wants,  
13          but inevitably, when you have property values  
14          that are being affected in this way, and you're  
15          going to have events at Gulliver across the  
16          street, and you're going to have a baseball  
17          stadium and a natatorium, and you're going to  
18          have a gymnasium that's 42 or 36 or 37 feet,  
19          and you have a doubling of square footage, once  
20          that happens, what's going to happen six years  
21          later? What's Gulliver going to say, six years  
22          later? "Well, now we need to increase our  
23          enrollment, because now we have this open  
24          spacing that we're not using, and we want to  
25          increase the enrollment." It's all up for

1           grabs.

2           And I leave you with this thought, and that  
3           is, if the deal was made in 1998, I think that  
4           it's incumbent upon this Board to hold fast to  
5           that deal, because it was negotiated in good  
6           faith, both sides made concessions, and I think  
7           a deal is a deal and it should be honored.

8           Thank you.

9           (Applause)

10          CHAIRMAN KORGE:   Okay, Mr. Dickman, we  
11          have -- you have another five, 10 minutes.

12          MR. COE:   Before we adjourn.

13          CHAIRMAN KORGE:   Before we adjourn, so if  
14          there's --

15          MR. COE:   If they want to waste that, then  
16          we're not voting tonight.

17          CHAIRMAN KORGE:   Okay, so --

18          MR. COE:   I think Ms. Russo wants rebuttal,  
19          if they have nothing further.

20          CHAIRMAN KORGE:   Laura, you had reserved a  
21          few minutes for rebuttal?

22          I'm sorry, what?

23          MR. DICKMAN:   I was just asking, are you  
24          going to have public hearing first, and then  
25          have rebuttal, or --

1 MR. BEHAR: You have 10 minutes.

2 CHAIRMAN KORGE: You have 10 minutes.

3 We've got 10 minutes left.

4 UNIDENTIFIED MAN IN AUDIENCE: I've been  
5 here since 4:30. I put my name on the list at  
6 4:30. My son has been here, also.

7 CHAIRMAN KORGE: We'll be happy to hear --

8 UNIDENTIFIED MAN IN AUDIENCE: We've  
9 listened to that propoganda all night.

10 CHAIRMAN KORGE: Well, it's all right, it's  
11 all right. We'll be happy to hear anybody that  
12 wants to speak for the next 10 minutes, and  
13 then we're going to close it.

14 MR. COE: He's just letting you know, the  
15 next 10 minutes, then we adjourn, and this will  
16 be carried over to the next meeting or whenever  
17 the --

18 MR. DICKMAN: If it has to be carried over,  
19 that's fine. I'd rather have people -- I'd  
20 rather --

21 (Simultaneous comments from audience)

22 CHAIRMAN KORGE: Unless -- Hold on. Let's  
23 calm down.

24 Unless -- unless we get a motion that's  
25 seconded and approved to extend for additional

1 time, for whatever purpose.

2 MS. HERNANDEZ: I think, Mr. Chairman --

3 CHAIRMAN KORGE: Yes.

4 MS. HERNANDEZ: -- if you want to get a  
5 sense of that, could the number of people who  
6 would like to testify please raise their hands?

7 MR. SALMAN: Exactly.

8 (Show of hands)

9 MS. HERNANDEZ: Okay, that's going to give  
10 you an average of at least another hour and a  
11 half, and then Laura Russo is going to want to  
12 rebut after Andrew Dickman closes. So the  
13 Board needs to consider that in reaching its  
14 decision as to how much longer it wants to go  
15 this evening, when it wants to continue, if it  
16 does want to continue. I'm assuming you're  
17 going to want to deliberate. I'm assuming  
18 you're going to want to ask questions of Staff.

19 So please take that all into  
20 consideration --

21 MR. COE: We'll be here till four o'clock  
22 in the morning.

23 MS. HERNANDEZ: -- as you -- because you  
24 don't want to hurry the people who want to and  
25 have additional issues that they want to

1 address the Board, and that's just my counsel  
2 to this Board.

3 MR. DICKMAN: It's unfortunate we got  
4 bumped from the first item, so --

5 MS. HERNANDEZ: Say this again.

6 MR. DICKMAN: We got bumped from the first  
7 item, so --

8 MS. HERNANDEZ: Oh, no, no, no, I'm just  
9 trying to --

10 MR. DICKMAN: I understand.

11 MS. HERNANDEZ: I don't think you should  
12 hurry people up. They should have the  
13 opportunity to put their testimony on.

14 MR. COE: I don't think some of these  
15 people want to be here at three o'clock in the  
16 morning, still articulating their position.

17 In that case, considering the number of  
18 speakers, I don't think we should extend. We  
19 should just set this -- continue this  
20 to whenever --

21 Mr. Riel, when would this be on again?

22 MR. RIEL: The next meeting is August 11th.

23 MR. COE: Yeah, the next meeting. Would  
24 this be the only agenda item?

25 MS. HERNANDEZ: I think it should be the

1           only agenda item.

2           MR. AIZENSTAT:   Can we set it as the only  
3           agenda item?

4           MR. RIEL:   No.   We already have agenda  
5           items waiting to be on that agenda.

6           MR. COE:   Well, I suggest, then, Mr.  
7           Chairman, that the Staff be directed that this  
8           be the first agenda item, so we do not continue  
9           to have to -- continue this thing to several  
10          meetings.

11          MR. RIEL:   The other alternative would be  
12          to have a special meeting.

13          MR. COE:   Then set up a special meeting.

14          MR. BEHAR:   I would recommend to do that.

15          CHAIRMAN KORGE:   Ms. Russo?

16          MR. COE:   The object -- the object, I would  
17          think, Mr. Chairman, is, at the next meeting,  
18          we resolve this issue.   We should not have to  
19          have a third meeting.

20          CHAIRMAN KORGE:   Right.

21          Well, Laura, do you have a problem  
22          extending this to a special meeting?

23          MR. DICKMAN:   Well, August 11th would be  
24          fine.   I think the special meeting would just  
25          depend on what day it is.   I have no issue with

1 the August 11th. I believe in being fair and  
2 allowing everybody the opportunity --

3 MR. RIEL: Well, it would depend on the  
4 Board members, whether or not -- you know,  
5 attendance, so --

6 CHAIRMAN KORGE: Right.

7 MR. SALMAN: Are you guys available for a  
8 special meeting?

9 CHAIRMAN KORGE: Would everybody be  
10 available for one special meeting to finish  
11 this agenda item?

12 MR. BEHAR: Mr. Chairman, I don't know.

13 MR. FLANAGAN: Mr. Chairman, I'm out of  
14 town the 29th of July through the 8th of  
15 August.

16 MS. KEON: I can't in August.

17 MR. BEHAR: If we could do it prior to the  
18 29th, I would be able to attend.

19 MR. COE: 29th of what?

20 MR. BEHAR: Of July.

21 MS. HERNANDEZ: 29th of July?

22 CHAIRMAN KORGE: Well, it doesn't require  
23 any more preparation for us.

24 (Simultaneous inaudible discussion among  
25 Board Members.)

1           CHAIRMAN KORGE: Right, right. Well, if  
2 we're going to hear everybody, and we should,  
3 and we want to, then we're going to have to,  
4 you know, roll this over to a special meeting.

5           MR. RIEL: May I --

6           MR. BEHAR: Two weeks from tonight?

7           MR. AIZENSTAT: Should we set it now or  
8 should we just --

9           MR. RIEL: Yes. That's what -- May I  
10 suggest, is August 4th a date that the Board  
11 can accommodate? Because that way --

12          MS. HERNANDEZ: It's a Wednesday.

13          MR. RIEL: -- it doesn't disturb the items  
14 from August 11th, and then we could have the  
15 special meeting on the 4th.

16          MR. FLANAGAN: If it's the 4th, I'm not  
17 here, and I think I heard --

18          MS. KEON: I'm not available. I'm not  
19 here, either.

20          MS. HERNANDEZ: August 4th is the first  
21 Wednesday of the month.

22          MS. RUSSO: Both my major decision-makers  
23 aren't available on the 4th.

24          MR. AIZENSTAT: Eric, I think you're going  
25 to have to do this -- you know, try to

1 coordinate it. I don't think you can  
2 coordinate it tonight --

3 CHAIRMAN KORGE: Yeah, that's fine.

4 MR. AIZENSTAT: -- to be honest with you.

5 MR. DICKMAN: Just for the record --

6 MR. AIZENSTAT: We're going to take up so  
7 much time just trying to coordinate.

8 CHAIRMAN KORGE: How much notice do we have  
9 to give?

10 MR. RIEL: Well, that's the concern. We  
11 have to mail out notice again. It's a  
12 significant amount of notice.

13 MR. SALMAN: Wouldn't this constitute  
14 notice if we come to an agreement right now?

15 MR. RIEL: Well, we'd have to continue it  
16 to a date certain, so --

17 MR. SALMAN: That's what I'm saying.

18 MS. HERNANDEZ: July -- We can continue it  
19 to a date certain, and that would address  
20 certain issues, but July 28th is two weeks from  
21 today. No? Okay. I tried.

22 MR. AIZENSTAT: You've got to go into  
23 August.

24 MS. HERNANDEZ: August?

25 MR. COE: August 4th, I'm available.

1           MR. RIEL: Well, how about the first week  
2           in August? Is that something --

3           MR. COE: Well, no, you can't just say the  
4           first week.

5           MR. RIEL: Or the second week. Because  
6           what I don't want to do, there's items  
7           scheduled for the 11th. That agenda has two or  
8           three items. I don't want to keep getting  
9           backed up, so --

10          MS. HERNANDEZ: The problem is that unless,  
11          tonight, we continue it to a date and time  
12          certain --

13          MR. RIEL: I understand that.

14          MR. COE: You've got to renotece.

15          MS. HERNANDEZ: -- you're going to have to  
16          republish. So, unless we can reach a consensus  
17          this evening --

18          MR. AIZENSTAT: Eric, because counsel can  
19          make it on the 11th, is there a way that we can  
20          put this on the 11th and move whatever agenda  
21          you have further down, to a special meeting?

22          MR. RIEL: If you remember the last  
23          meeting, the issue that was coming forward is  
24          the University of Miami Development Agreement.

25          MR. COE: Is that coming back up?

1 MR. RIEL: That's going to be on the 11th.

2 MR. SALMAN: Oh, great.

3 MR. RIEL: So I just want to advise the  
4 Board Members.

5 MS. HERNANDEZ: That's going to be  
6 extensive. That will be a long hearing.

7 MR. COE: That may not finish, either.

8 MR. SALMAN: Could we start it earlier,  
9 start earlier?

10 CHAIRMAN KORGE: The 21st or 28th of July?

11 MR. BEHAR: The 18th of August?

12 MS. KEON: What about the 21st or the 28th  
13 of July?

14 MR. COE: What are we going to now?

15 MS. KEON: You can't do that?

16 MR. COE: What dates are we working with  
17 now?

18 MR. BEHAR: I'm good on the 28th of July.

19 MR. COE: The 28th of July?

20 MS. HERNANDEZ: Apparently, we have a  
21 conflict on the 28th of July.

22 CHAIRMAN KORGE: What's the conflict?

23 MR. COE: Who has a conflict?

24 CHAIRMAN KORGE: Who's got a conflict?

25 MS. HERNANDEZ: I don't know.

1 MR. FLANAGAN: So what about the 27th?

2 CHAIRMAN KORGE: What's your conflict?

3 MR. RIEL: That entire week.

4 CHAIRMAN KORGE: Pardon me?

5 MR. RIEL: I cannot, that entire week.

6 MS. KEON: Of the 28th?

7 MR. RIEL: Yes.

8 MR. COE: Staff has a conflict.

9 MS. KEON: What about the 21st?

10 CHAIRMAN KORGE: The week of the 21st?

11 MR. BEHAR: The 21st of July, a week from  
12 today.

13 MS. KEON: That's a week from today.

14 MR. DICKMAN: Can they advertise that  
15 quickly?

16 MS. KEON: You don't have to.

17 MR. SALMAN: You don't have to if we come  
18 up with a date today.

19 MR. FLANAGAN: We're continuing to a date  
20 certain.

21 MR. DICKMAN: I'm looking at my calendar  
22 right now.

23 MR. AIZENSTAT: Good thing for BlackBerrys.

24 MS. RUSSO: A week from today works for me.

25 MS. HERNANDEZ: So is there a motion to

1 continue it to a time certain?

2 MR. BEHAR: Well, wait. Mr. Riel, the 21st  
3 of July?

4 MR. RIEL: The 21st is fine.

5 MS. KEON: A week from today?

6 MR. BEHAR: I'll make a motion that we  
7 continue this item --

8 MR. SALMAN: I second it.

9 MR. BEHAR: -- on the 21st.

10 CHAIRMAN KORGE: The motion --

11 MS. HERNANDEZ: July 21st, commencing at  
12 6:00 p.m.

13 MR. DICKMAN: I'm available.

14 MR. RIEL: Correct.

15 MS. HERNANDEZ: Is there a second to that  
16 motion?

17 MR. SALMAN: Already seconded.

18 CHAIRMAN KORGE: There is.

19 MS. HERNANDEZ: I can't hear. I'm old.

20 CHAIRMAN KORGE: Any discussion on that  
21 motion? No discussion?

22 MR. DICKMAN: I just want to clarify, that  
23 we'll just pick up where we left off?

24 MS. HERNANDEZ: Right.

25 MR. BEHAR: Exactly.

1           CHAIRMAN KORGE:  Absolutely.

2           MS. HERNANDEZ:  What will happen is, it's  
3           as though Tivo stops, and it starts.

4           MR. RIEL:  And I want to also make  
5           everybody aware, there will be no further  
6           notice provided, since it's a continuation of  
7           this meeting.

8           MS. HERNANDEZ:  Right.

9           MR. RIEL:  Because that always comes up,  
10          "Why didn't I get notice again?"  So --

11          MS. KEON:  It's a continuation.

12          MR. DICKMAN:  I'll remember.  I'll  
13          remember.

14          CHAIRMAN KORGE:  Okay, then, the motion is  
15          moved and seconded for a continuation until  
16          July 21st, at 6:00 p.m., here.

17          Call the roll, please.

18          MS. MENENDEZ:  Jack Coe?

19          MR. BEHAR:  Jack Coe?

20          CHAIRMAN KORGE:  Jack?

21          MS. HERNANDEZ:  Jack Coe?

22          MR. BEHAR:  Jack --

23          MR. COE:  What was the question?

24          MS. HERNANDEZ:  July 21st.

25          CHAIRMAN KORGE:  The continuation to July

1 21st.

2 MR. COE: Tentatively, based on my calendar  
3 now. I don't know what's changed from today.

4 CHAIRMAN KORGE: Yes or no?

5 MR. BEHAR: Yes or no?

6 MR. FLANAGAN: It's a yes or no question.

7 MR. COE: Right now, yes.

8 MS. HERNANDEZ: Please -- please, stop --

9 MS. RUSSO: The public hearing is still in  
10 progress, please.

11 CHAIRMAN KORGE: Just a second. We still  
12 don't know what we're voting.

13 Jack?

14 MR. COE: For the moment, yes.

15 CHAIRMAN KORGE: Call the roll again, please.

16 MS. MENENDEZ: Jack Coe?

17 MR. COE: Yes, for the moment.

18 MS. MENENDEZ: Jeff Flanagan?

19 MR. FLANAGAN: Yes.

20 MS. MENENDEZ: Pat Keon?

21 MS. KEON: Yes.

22 MS. MENENDEZ: Javier Salman?

23 MR. SALMAN: Yes, for the moment.

24 MS. MENENDEZ: Eibi Aizenstat?

25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ: Robert Behar?

2 MR. BEHAR: Yes.

3 MS. MENENDEZ: Tom Korge?

4 CHAIRMAN KORGE: Yes, but I still have to  
5 check my calendar.

6 MR. COE: July 21st at six o'clock. Both  
7 counsels are available?

8 MS. RUSSO: Yes. We will make ourselves  
9 available.

10 CHAIRMAN KORGE: Do we have anything else  
11 we need to deal with? No.

12 MR. BARTEL: Thank you. Thank you,  
13 Mr. Chairman.

14 MR. DICKMAN: Thank you for your time. I  
15 appreciate it.

16 MS. RUSSO: Oh, look, everybody,  
17 co-counsel's here.

18 (Thereupon, the meeting was adjourned at  
19 9:45 p.m.)

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C E R T I F I C A T E

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STATE OF FLORIDA:  
SS.  
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I further certify that the public speakers were duly sworn by me.

DATED this 19th day of July, 2010.

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JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037  
Expiration June 14, 2011.