

**CITY OF MIAMI GARDENS
REGULAR ZONING MEETING
OCTOBER 4, 2006**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council sitting as the Zoning Board for the City of Miami Gardens, met in regular session on Wednesday, October 4, 2006, beginning at 7:10 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor Oscar Braynon II, and Council members Aaron Campbell Jr., Barbara Watson and Sharon Pritchett. Councilman Ulysses Harvard arrived at 7:15 p.m. Councilman Melvin L. Bratton was not present due to a family emergency.

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Dickens, City Clerk Ronetta Taylor, Development Services Director Jay Marder and Zoning Technician Nixon Lebrun.

2. INVOCATION:

Councilwoman Watson delivered the Invocation.

3. PLEDGE OF ALLEGIANCE:

Recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Meeting – September 6, 2006

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve the minutes. This motion passed and carried by a 5-0 voice vote. Councilman Harvard was not present when vote was taken.

**5. AGENDA ORDER OF BUSINESS
(ADDITIONS/DELETIONS/AMENDMENTS)**

Mayor Gibson indicated the applicant for Item 9E has submitted a letter requesting deferral of this item until the November 1, 2006 Zoning Meeting.

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to defer this item. This motion passed and carried by a 6-0 vote.

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| Vice Mayor Braynon: | Yes |
| Councilman Bratton: | Not present |
| Councilman Campbell: | Yes |
| Councilman Harvard: | Yes |
| Councilwoman Pritchett: | Yes |
| Councilwoman Watson: | Yes |
| Mayor Gibson: | Yes |

Nixon Lebrun, Zoning Technician read into the record the procedure used in this Quasi-

Judicial Proceeding.

The City Clerk sworn in all parties participating in this Quasi-Judicial Proceeding.

6. CONSENT AGENDA

RESOLUTION NO. 2006-116-462

- 6A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR "SOL VILA II"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve this item. This motion passed and carried by a 6-0 vote.

7. FIRST READING (ORDINANCE)/PUBLIC HEARING(S):

There were none

8. ORDINANCE(S) SECOND READING/PUBLIC HEARING(S)

There were none

9. RESOLUTION(S)/PUBLIC HEARING(S)

- 9A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY JORGE I. AND NEREIDA MESTRES REQUESTING A NON-USE VARIANCE OF SETBACK REQUIREMENTS TO PERMIT THE AN EXISTING ACCESSORY STRUCTURE TO HAVE AN INTERIOR SIDE SETBACK OF 0' FROM THE SOUTH PROPERTY LINE WHERE A MINIMUM OF 7' – 6" IS REQUIRED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Jorge Mestress, 20201 NW 43rd Avenue, Miami Gardens, Florida, appeared before the City Council to solicit support on the passage of this application.

Mayor Gibson asked Mr. Mestress if he was in agreement with staff's recommendation as it related to this application.

Mr. Mestress affirmed his agreement with staff's recommendation.

Mayor Gibson opened the floor for this public hearing. After there were no interested parties to speak on this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to approve staff's recommendation.

Councilwoman Pritchett referenced staff's memorandum more particularly the language under Recommendation (3) "Requiring the Applicant to secure all necessary building, plumbing and electrical permits for the work to be done within six (6) months of said denial, unless an extension is applied for and granted by the Development Services Director". She asked how long are the extensions for and how many can be granted.

Attorney Dickens clarified that staff is recommending denial of this application. She asked Mr. Mestres if he was aware staff was recommending a denial of this application. She further asked whether he agreed to the factual information contained in the report.

Mr. Mestres stated he was aware of staff's recommendation of denial. He also agreed to the factual information contained in staff's report. He shared he did not understand why staff was denying this application. Prior to this area being incorporated this addition built onto his home, which was approved at the time by Miami-Dade County. He said for the past 16 months he has been trying to get a building permit from the City of Miami Gardens. He said his neighbors have no problem with the zero setback on the south side of the property. He conveyed his frustration at not getting this item approved and stated that he just did not want to fight anymore.

Councilwoman Pritchett clarified that her question was not necessarily relating to Mr. Mestres' property, but could apply to any application. She stated she would still like to have an answer to that question.

Jay Marder, Development Service Director in response to Councilwoman Pritchett's question said each situation is different.

Councilwoman Pritchett stated in this particular case, Mr. Mestres was given six months. She asked if there was a need for Mr. Mestres to request an extension after that time frame what would be the determining factor as to how long that additional extension would be and how many subsequent extensions he or any applicant might be eligible for.

Mr. Marder said there is no specific guideline and opined one has to be reasonable. In this particular case the building is on someone else's property, therefore the situation has to be corrected.

Attorney Dickens explained if the Council denies an application no conditions can be imposed on the property. If the property owner is in violation of the Code, that is an issue to be addressed through the Code Enforcement process and Special Master. Tonight, the Council is either going to deny this application or grant it with conditions. She clarified staff has said this structure is infringing on the neighbor's property.

Mr. Marder said that is the case according to the survey provided.

Councilwoman Watson asked for clarification purposed how much footage is this existing structure infringing onto the neighbor's property.

Mr. Lebrun said the property is approximately one foot into the neighbors' property line.

Councilwoman Watson asked whether the wall of the structure or the roof that is actually

infringing on the neighbor's property line.

Mr. Lebrun shared as per the survey it is the roof and building line of the structure that is infringing onto the neighbor's property line.

Vice Mayor Braynon clarified his motion is to approve the direction of staff.

Attorney Dickens said Vice Mayor Braynon's motion should be to deny this application.

Vice Mayor Braynon withdrew his motion and offered a motion to deny this application. This motion was seconded by Councilwoman Watson.

Councilman Campbell stated Mr. Mestres had made a statement that the neighbors have no problem with this application. He asked if any of those neighbors in support of this item were present in the audience. He shared that from his understanding of how the law is written if this item is approved the property where this existing structure in infringing will subsequently go to the applicant. He asked whether the adjacent neighbor was aware of this.

Attorney Dickens said this is an issue and Councilman Campbell's point is well taken. The Council would need to know if the neighbor was okay with this. If the Council approved this item, approval would be given to have a structure there. Whether or not the property becomes that of the applicant is another issue. However, that is not necessarily what will be decided if the Council approved this application.

Councilman Campbell asked what is the existing structure currently being used for. It is a storage structure or a second dwelling. From the information he has received, this structure has a restroom facility as well as a kitchen. If this is the case, that is a violation of the code because a property owner can not have two houses on one residential property.

Mr. Metres said the structure has no plumbing and no electricity and is being used for storage space.

Councilwoman Pritchett shared that she had visited the subject property and from outward appearances it does appear that the structure can be used for living quarters.

There being no further discussion on this item, the motion to deny the application passed and carried by a 6-0 vote.

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| Councilman Bratton: | Not present |
| Councilman Campbell: | Yes |
| Councilman Harvard: | Yes |
| Councilwoman Pritchett: | Yes |
| Councilwoman Watson: | Yes |
| Vice Mayor Braynon: | Yes |
| Mayor Gibson: | Yes |

RESOLUTION NO. 2006-117-463-Z-56

9B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY DEMIDA / MIAMI GARDENS LLC, TO TERMINATE THE DECLARATION OF RESTRICTIVE COVENANTS RECORDED MARCH 31, 1987, IN OFFICIAL RECORDS BOOK 13230, AT PAGE 609, AND LATER MODIFIED AND RECORDED DECEMBER 8, 1988, IN OFFICIAL RECORDS BOOK 13918, AT PAGE 1943 IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Joel Maxwell, One SE Third Avenue, Miami, Florida, appeared before the City Council as the representative of this applicant. The applicant is asking the Council to extinguish a Declaration of Restrictive Covenant that runs against this property discovered while during due diligence subsequent this Council's action of approving a Special Exception on the property located at 206 Street NW 27th Avenue. The applicant does not believe this Declaration of Restrictive Covenant is consistent with the action taken by this Council.

Mayor Gibson opened the floor for the public hearing on this item. After there were no interested parties to speak on this item, the public hearing was closed.

Motion offered by Councilwoman Watson, seconded by Vice Mayor Braynon to approve this item.

Councilwoman Pritchett said the original plans for this property were approved under Miami-Dade County's Comprehensive Development Master Plan. She asked whether the City's Comprehensive Development Master Plan, which is currently being reviewed by the State Department of Community Affairs, (DCA) addressed this property.

Attorney Dickens said the Declaration of Restrictive Covenant is not relevant to this property's plans. When the City approved this item April 2006, it did so under Miami-Dade County, which was and still is the plan the City is operating under. The City of Miami Gardens' Comprehensive Development Master Plan has not been approved as yet.

There being no further discussion on this item, the motion to approve passed and carried by a 5-1 vote.

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| Councilman Harvard: | Yes |
| Councilwoman Pritchett: | No |
| Councilwoman Watson: | Yes |
| Councilman Bratton: | Not present |
| Vice Mayor Braynon: | Yes |
| Councilman Campbell: | Yes |
| Mayor Gibson: | Yes |

RESOLUTION NO. 2006-118-464-Z-57

- 9C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY THE DIRECTOR OF DEVELOPMENT SERVICES FOR TERMINATION OF A PRIOR UNUSUAL USE AND VARIANCE APPROVAL TO PERMIT AN AUTO AUCTION AND ASSOCIATED PARKING ON AN APPROXIMATE 186.7 ACRE PROPERTY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF N.W. 47TH AVENUE AND N.W. 215TH STREET/COUNTY LINE ROAD, IN ACCORDANCE WITH SECTION 33-317 OF THE MIAMI -DADE COUNTY CODE AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS; TERMINATING REQUESTS #1 THROUGH #8 OF RESOLUTION Z-166-96; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Mayor Gibson passed the gavel to Vice Mayor Braynon.

Attorney Dickens stated as a preliminary matter as it relates to this Quasi-Judicial matter she is aware there may have been conversations between members of the Council as well as City staff and or the applicant representatives. The Council needs to disclose the subject matter, who those discussions were with and whether this would affect the Council member's ability to give a fair and impartial ruling.

Mayor Gibson acknowledged that she did have conversations with representatives of the property owner. She stated those conversations would not affect her decision on this item.

Councilwoman Watson disclosed that she had conversations with representatives of the property owners and did not feel those discussions would affect her ability to make a fair and impartial decision on this item.

Vice Mayor Braynon disclosed he had spoken with staff about this item and did not feel that discussion would affect his ability to make a decision on this item.

Nancy Stroud appeared before the Council representing the City's staff. The subject site is approximately 187 acres, which has two parcels. The western parcel was originally owned by the Town of Surfside and was used as the City of Surfside's landfill. This parcel was zoned for Industrial Uses in 1990 by Miami-Dade County. The eastern parcel, which is the larger portion of the property was owned in 1990 by the Thackeray Corporation. This parcel was re-zoned in 1992 to allow zero lot line for residential units. Neither the Industrial Uses nor the Residential Units were ever built. In 1996 the Town of Surfside and Thackeray Corporation went before the Miami-Dade County Commission to ask permission to use the two parcels together for an auto auction. At that point apparently there was a contract to purchase the property by South Florida Auto Auction, Inc. Miami-Dade County approved that application by Resolution Z-166-96, which this Council is considering rescinding tonight. Since 2004 there has been some activity by the owner. A request by the owner to place and store recovered

screen material with Parcel One. In addition the owner requested assistance from the City for support of a brownfield designation. In November 2005, the City's Development Services Director filed this application to terminate the Unusual Use and Variance approvals previously granted by Resolution Z-165-90.

Attorney Stroud shared the part of the City's Code for which this application is being reviewed is Section 33.317, which allows the termination of Unusual Uses if they have not been built within a three year after the approval of the unusual use. In this case it has been significantly more than three years.

Henry Iler, President of IPG Planning Group, appeared before the City Council to talk about the criteria under which this application should be reviewed, and his recommendation regarding this application. The proposed site is approximately 187 acres. Parcel One has approximately 96 acres and is designated under Miami-Dade County's Comprehensive Development Master Plan as Industrial and Office Land Use; under the City's proposed Comprehensive Development Master Plan, which has been submitted to DCA, it is designated as commerce. Parcel Two is approximately 91 acres and is designated under Miami-Dade County's Comprehensive Development Master Plan as low medium density use; the City's proposed Comprehensive Development Master Plan has this designation as neighborhood use. Zoning on Parcel One is light industry. Parcel Two has a zero lot line designation.

Mr. Iler said Parcel One was granted various development approvals in 1990. In 1992 Parcel Two was rezoned to zero lot line for single family homes. In 1996 an approval for auto auction use was approved on both parcels. The City incorporated in 2003. In 2005, the property owner submitted a Site Plan for a Substantial compliance to the City. That Site Plan was fairly significant from the Site Plan previously approved. The City's Development Services Director found the Site Plan was not in Substantial Compliance with the previous Site Plan. The previous Site Plan in 1996 had a lot coverage of fifty thousand square feet, with the new proposed Site Plan of 146,000 square feet. The previous site plan had one point to get in and out of the property, the new proposed site plan has six points to get in and out of the property. There are a lot more parking stalls in the recent plan.

Mr. Iler said the standard is the site plan had to have been at least been in existence for three years after the auto auction designation was approved in 1996. The critical wording is that sufficient changes have occurred within the area to permit that plan to go forward would be detrimental to the area and incompatible with the area.

Mr. Iler stated some of the changes that have occurred are first and foremost, the City of Miami Gardens incorporated in 2003, whereas in 1996 this area was unincorporated Miami-Dade County. This 187 acres encompasses approximately three percent of Miami Gardens. Therefore a completely different planning dimension was brought to this area when Miami Gardens incorporated. Another primary change that has occurred since 1996 is the fact that across Turnpike to the north in Miramar there has been extensive office and industrial type developments. There has been over a million square feet of office use developed within two miles from this site since 1996, including 871,000 square feet adjacent to the site of the Miramar Park of Commerce. There has also been over 2 million square feet of industrial uses that are developed within two miles of the site. This strongly supports the market viability of that particular use. Land available for office and industrial use is really built out in Miami Gardens. Therefore, industrial and office land is a premium for the City and really important for the tax

base and jobs to be brought to the area for residents.

Mr. Iler stated the City transmitted its proposed Comprehensive Development Master Plan to DCA, recently. In that Plan a Future Land Use Element Policy No. 266. That Policy states, "Development in the industrial and commercial areas shall be designed to have minimum or no adverse of negative impact on the adjacent neighborhoods and priorities will be given to uses that have the greatest positive impact on the City's tax base and provide good paying jobs with a future for the community." That provision, which is a part of the City's proposed Comprehensive Development Master Plan is one of the underlying factors why this parcel is a much higher and greater use than an auto auction. Conditions have changed in such that to permit an auto auction to continue would be detrimental to the City as well as the area.

Mr. Iler stated the requirements for a revocation have been met. The auto auction use and the Site Plan is contrary to the City future vision as the City of Miami Gardens and the City's interest in economic development.

Mr. Iler recommending revoking Resolution No. Z-165-90, and approve the Development Services Director application. He further went over some of the exhibits provide to the Council in staff's report.

Alan Krischer, an attorney with the law firm of Holland & Knight, 701 Brickell Avenue, suite 3000, Miami, Florida, appeared before the City Council representing the property owner. He said the Council is being asked to take one of the most drastic actions a local government can take, which is to strip a property owner of an existing approval. The Council will learn tonight that the application and the legal standards that apply in this case have not been met and that this property and its owner have not been afforded Due Process.

Attorney Amy Brigham, 2525 Ponce de Leon Boulevard, Suite 625 Coral Gables, Florida, appeared before the City Council to cross examine Mr. Iler. She asked Mr. Iler if he had a law degree.

Mr. Iler replied that he did not.

Attorney Brigham asked Mr. Iler if he was an Appraiser.

Mr. Iler replied, "No I am not".

Attorney Brigham asked Mr. Iler if he was an Economist

Mr. Iler replied, "No".

Attorney Brigham asked Mr. Iler if he prepared the two reports dated August 31, 2006, entitled "City of Miami Gardens Florida Auto Auction Property Proposed Revocation of Unusual Use and Variance Approvals".

Mr. Iler replied, "Yes."

Attorney Brigham asked Mr. Iler if he prepared the other report entitled "City of Miami

Gardens Florida Auto Auction Property Report on Administrative Remedies Pursuant to Allegations of Obligations and Vested Rights”.

Mr. Iler replied, “Yes.”

Attorney Brigham addressed her question to the first report and asked whether Mr. Iler looked outside of Miami Gardens for residential stock.

Mr. Iler said the residential stock within the City of Miami Gardens was looked at.

Attorney Brigham asked whether Mr. Iler based his report and analysis on the City’s proposed Comprehensive Development Master Plan.

Mr. Iler said that is correct.

Attorney Brigham asked Mr. Iler whether the City’s proposed Comprehensive Development Master Plan was legally in effect at this time. Nor was it in effect at the time of this application.

Mr. Iler said, “No it is not”.

Attorney Brigham asked whether the Industrial Site Plan approved on this property was not being revoked and is not up for consideration as part of this application.

Mr. Iler said that is correct.

Attorney Brigham asked whether Mr. Iler conducted a study to determine what impact that Industrial Site Plan would have on the adjacent neighborhoods.

Mr. Iler said no specific study was done.

Attorney Brigham asked whether a supply and demand study was conducted for offices and industrial uses.

Mr. Iler said no study was done. Staff looked at the office developments that have occurred within the area over the last ten years.

Attorney Brigham stated that since Mr. Iler is not an economist he could not confidently tell this Council that there was a demand for office industrial on this property.

Attorney Stroud voiced an objection to this question. She said a qualified planner would not be able to make that kind of an analysis.

Attorney Brigham asked whether Mr. Iler made a supply and demand analysis.

Mr. Iler said staff looked at the supply and demand and the development history over the last ten years in the area and felt there was a healthy market for it.

Attorney Brigham asked whether Mr. Iler considered the available square footage of industrial

and office on the Miramar Park and Commerce.

Mr. Iler said yes.

Attorney Brigham asked whether Mr. Iler knew how much square footage was remaining.

Mr. Iler said he did not have the exact figures, but did know there was an index supply.

Attorney Brigham asked whether Mr. Iler would be surprised to know that of the 149,000 square feet of industrial use only approximately one third has been completed, and of the 1,150,000 square feet of office approved under the Miramar DRI, less than 100,000 has been developed.

Mr. Iler said he was not surprised.

Attorney Stroud appeared before the City Council and asked Mr. Iler to go over his qualifications for the Council.

Mr. Iler stated he has a Bachelor of Business Administration and Planning from the University of Florida, and a Masters in Urban Planning from Florida State. He related that he has been in the planning profession for over thirty years. He worked twelve years as a governmental planner with Miami-Dade County, in transportation administration agency as well as a county department under the County Manager's Office. He was also the Planning Director for Melbourne County for four years and for the last twelve years has had his own consultant business in Urban Planning. His consultant firm does Comprehensive Development Master Plans, Economic Development Studies for downtowns, Downtown Redevelopment Plans, Zoning Codes, Impact Fees and a lot of studies involving ways to redevelop areas that are not as vital as they should be.

Attorney Stroud asked whether Mr. Iler was an AICP.

Mr. Iler said he has the designation of an AICP (American Institute of Certified Planners), which is an additional certification for planners. An exam is taken to become certified.

Attorney Stroud asked Mr. Iler what would he consider the neighborhood in terms of his analysis.

Mr. Iler said his staff looked at the entire area but was focus to a larger extent to the City of Miami Gardens and the neighborhoods closest to this area.

Attorney Stroud asked whether Mr. Iler has been involved with the City of Miami Gardens proposed Comprehensive Development Master Plan.

Mr. Iler said his staff put together the Housing Element of the City's Proposed Comprehensive Development Master Plan.

Attorney Stroud asked Mr. Iler to explain his knowledge of the Miramar DRI.

Mr. Iler said these DRI's were typically approved in the early 1990's or late 1980's. They have a number of square feet of accrued office and industrial development, of which only a portion has been built.

Attorney Stroud asked whether the fact that there is an under development of that DRI change the analysis in Mr. Iler's report.

Mr. Iler said no. He opined there is a strong market for office and industrial and this site would be just as competitive as those DRI sites that have not yet developed.

Attorney Krischer reappeared before the City Council and stated this hearing is not about what the City would like to see on this piece of property. It is not to discuss the highest and best uses for the property nor is it to discuss what might be a dream for this property. This hearing is to apply a very specific provision of the Code to a very specific approval in a very specific neighborhood within Miami Gardens. This resolution was approved by the Board of the Miami-Dade County Commission after a public hearing and input from the public and a lengthy review process.

Attorney Krischer stated the City of Miami Gardens' Charter has a provision that provides when Miami-Dade County approved an issue, the City must honor that approval. The City's Charter further provides that all ordinances and resolutions adopted by Miami-Dade County prior to this area being incorporated shall be applied by the City of Miami Gardens at the time of incorporation. He opined Section 33.317 states that if there is an approval it can not be revoked for the first three years. After those first three years a Determination Hearing can be held if it is determined there have been sufficient changes in circumstances in the neighborhood that to permit the change would be incompatible and detrimental.

Mr. Diaz, 330 Brickell Avenue, Suite 180, Coral Gables, Florida, the former Planning and Zoning Director for Miami-Dade County appeared before the City Council to expound on this matter. He shared that every department in Miami-Dade County that would be applicable to this application made its recommendation and provided conditions that were necessary for this item to be approved prior to this item being considered by the Board of County Commission. He said in order to comply with Section 33.317 a determination has to be made on what has changed in the immediate area that would make this approval both incompatible and detrimental to the neighborhood.

Attorney Krischer asked Mr. Diaz, if in his capacity as Director of Miami-Dade County Planning and Zoning Department ever looked at an area for inconsistencies with another area.

Mr. Diaz replied "No."

Attorney Krischer asked Mr. Diaz as Planning and Zoning Director for Miami-Dade County, when preparing and making recommendations, did he ever as a policy outsource recommendations to private consultants.

Mr. Diaz replied, "No, staff from applicable departments provided the review and analysis.

Attorney Stroud re-appeared before the City Council to object to the applicant's representative providing a document for placement into the record which has no direct bearing to this item. She

further stated there is a rule in Miami-Dade Code, which is also the City's Code, "any documentary evidence relied upon by an expert as to be filed with the City ten days prior to the hearing. She said this is the first time staff has seen this document therefore it should not be admitted.

Attorney Krisher explained the section of the Code, Ms. Stroud is referring to refers to documents prepared by an expert and introduced in your packet. The applicant is submitting evidence that comes from the public record. The information Mr. Diaz refers to is in the City's public record. The label on the document submitted refers to the public hearing which is the revocation hearing and the vested rights encroachment, which has been advertised. For the convenience of the members of the Council, the applicant has provided a single book. He asked that those tabs that are not relevant to this process to be disregarded.

Attorney Dickens said it is up to the Chair of the Council (Vice Mayor Braynon) as to whether this information is admitted. This is information in the public record, although Ms. Stroud is correct in that the excerpt the applicant appears to be relying upon can be deemed an Expert Report. The Code is very clear that Expert Reports are to be submitted ten days before the Hearing. She reiterated it is up to the Chair as to whether this information is admitted. Ms. Stroud's objection is noted for the record.

Attorney Stroud said she did not have any objections to using any of the documents that have been provided in the agenda packet.

Vice Mayor Braynon indicated that a majority of the documentation submitted in this document is public record therefore he would allow this document to be admitted, and Attorney Stroud's objection is noted.

Rob Curtis, AICP, 8520 Red Road, South Miami, Florida, appeared before the City Council to share his view of Section 33.317. He said from his review very little change has occurred in said area, or the changes that have occurred have been consistent with the Comprehensive Development Master Plan. There has been some residential development near this site, as well as some commercial development. However, those developments have all been consistent with the Comprehensive Development Master Plan. The issue is change and what percentage of substantial change has occurred. He opined the changes that have been brought to the Council's attention in Mr. Iler's report are plans that have been on the books for quite some time. The next important issue has to do with the population projection. He said the State along with the Water Management District have raised the issue of population projection, outlined in the City's proposed Comprehensive Development Master Plan. For example the population projection for the year 2020 is 126,000 residents. A more moderate approach, which if taken as recommended by DCA and Miami-Dade County would estimate to be 13,000 fewer residents than the 126,000. This is important because the document also states in the Housing Element that in the year 2025 there is going to be a shortage of approximately 1,500 dwelling units.

Attorney Krischer asked that Mr. Curtis highlight his professional expertise in this area.

Mr. Curtis stated that he has over ten years of experience as a planner both in the private and public sector; five years with the Regional Planning Council; a graduate degree in business and is a member American Institute of Certified Planners.

Attorney Krischer stated there have been no significant changes in the surrounding area and neighborhood since this use was approved. A landfill is still there and the residential area has not changed. One would have to drive more than a mile to see those changes as outlined by Mr. Iler. The Miramar DRJ is in another County and is not a part of this immediate neighborhood. He reiterated the neighborhood hasn't changed but what the City wants for the area has changed as referenced in Mr. Iler's report. Mr. Iler's report has identified changes in policy and not changes that are factual are circumstantial.

Attorney Krischer said all of the proposed Comprehensive Development Master Plan provisions Mr. Iler mentioned have no significance in this instance. He emphasized the City has to act on its proposed Comprehensive Development Master Plan before it becomes effective. The goals and policies that Mr. Iler referred to his report have been rejected and deemed inconsistent with accepted methodology, acceptable planning or the States Regional Planning, by DCA, more particularly as it relates to housing. The City will have to make changes to its proposed Comprehensive Development Master Plan in response to DCA's comments.

Attorney Krischer said the City is being asked to take away a property owner's vested rights based on figures and data that must to be changed. He said when the application was filed in December 2005, to revoke his client's approval not one study or analysis was done to justify this revocation. The City had scheduled a public hearing on this matter for December 2005. That public hearing was rescheduled to February 2006 due to advertising requirement. The City was informed by the applicant's legal council that the February 2006 was defective due to the advertisement requirement therefore that hearing was cancelled. In the mean time the City put a moratorium in place, which prohibited the property owner from developing the property.

Attorney Krischer said Mr. Iler was hired by the City to act as the Planning and Zoning Director and as such all his reports should be filed with the City and made available under the Public Records Act. No public record was every provided. He said the way this item is presented on tonight's agenda does not provide his client his due process. He said once a property owner's vested rights have been taken away the only recourse for that property owner is to go to court and fight to keep what is theirs. He requested that the Council deny this application.

Attorney Ron Book, 2999 NE 191st Street, Aventura, Florida, appeared before the City Council and stated there are laws and regulations in place to keep individuals from doing what they want to do. He said he has not heard evidence put before this Council tonight by the City's staff, Counsel and representatives that would refute anything the applicant's representatives have put before the Council. He opined a decision was made that in a perfect world this land would not be used for the purpose which his client applied it. The property owner bought this property with existing land uses, zoning and site plan approval. He opined somebody decided they wanted to increase the city's tax base by building houses on this property, and somebody decided they wanted a park on this site. He opined a park would be a great use of this property but this is not what his client bought this property for. He conveyed support of having his client designate ten acres of the property for a nice park. He emphasized this issue is about fairness.

Attorney Book said this is the most drastic action a local government can every take. He asked

that the Council deny staff's recommendation and let his client move forward with the original use of the land that was approved by Miami-Dade County.

Attorney Stroud reappeared before the City Council and stated the applicant has put on evidence that a DRI had already been established when this approval was done in 1996 therefore, there should be no change in circumstance because it was already planned. She asked Mr. Iler to comment on that statement.

Mr. Iler shared DRI (Development Regional Impacts) are very large developments. They are planned and can have a twenty to thirty year development plan. There are projections made as to their build out. Those projections many times do not hold out to be true. Conditions change, markets change therefore many times throughout the history of the DRI there will be changes to the timetable of the DRI because it doesn't build as fast or that it builds faster than the Regional Planning Council or the Local government thought.

Attorney Stroud referenced comments made by opposing Counsel that pursuant to DCA the land use elements referred by Mr. Iler in the City's proposed Comprehensive Development Master Plan are objectionable, and asked if this was the case.

Mr. Iler said no it is not. The Department of Community Affairs had no objections to the Future Land Use elements of the City's proposed Comprehensive Development Master Plan. DCA did have four or five comments but not had to do what the areas he had cited.

Attorney Stroud said the property owner's legal counsel has quite clearly made the point that Mr. Iler coming into this process is objectionable somehow. She asked Mr. Iler to explain what the process was for his becoming involved in this matter.

Mr. Iler said his firm has been working with the City on the Housing Element and the Comprehensive Master Plan. His firm has been under a continuing Planning Services Contract since 2005. Discussions took place with staff with regard to this site in preparations for the Comprehensive Development Master Plan, prior to March 2006.

Attorney Stroud said the property owner's counsel argued that the City's Charter somehow presents the Council from acting on this application. She opined nothing can be farther from the truth. In fact the Charter states the City would be utilizing Miami-Dade County's Code until the City adopted its own; which is exactly what the Council is doing by using that criteria in its decision tonight. Just as Miami-Dade County could have looked at this particular property and revoked the approved use, if the property was still in that jurisdiction, the City is in its authority and jurisdiction to do the same tonight if it finds the facts to support that.

Attorney Stroud said opposing Counsel has tried to dismiss the City's proposed Comprehensive Development Master Plan as insignificant. However, the Council knows the proposed Plan is factual because it has been in the process of preparing this plan, preparing the study and discussing this plan with the residents of the city. The CDMP might not be in effect at this time but it is certainly factual and important to the Council's understanding of what the circumstances are today and what it means in terms of the neighborhood and the future of the neighborhood.

Attorney Brigham reappeared before the City Council to re-cross examine Mr. Iler. She referenced the Objections, Recommendations and Comments Report for City of Miami Gardens Comprehensive Plan and asked Mr. Iler if he was aware of what was on that page.

Mr. Iler replied that he was aware of this report.

Attorney Brigham asked Mr. Iler if it is a fact that every development he had mentioned was either developed or changed before her client's site plan was approved in 1996.

Mr. Iler said the two DRI developments in Miramar were a plan prior to 1996. Another development mentioned which consist of 90 housing unites located at NW 47th Avenue and 199th Street that showed up on aerial photographs after 1996. There is also an Infill Housing Development with approximately 70 units north 199th Street between 37th and 27th Avenues, as well as two non-residential developments built on the west side of NW 27th Avenue between 199th and 158th Street. Also an extensive housing development has occurred on the west side of the Florida Turnpike. Therefore, there are other developments that have been built since that time.

Attorney Brigham said Mr. Iler had testified on re-direct that he had been working on this issue prior to March 2006 and asked if this is true.

Mr. Iler said he was aware of the issue and had staff's assessment.

Attorney Dickens clarified that Attorney Krischer presented a letter that she had written in response to his letter, which was also included. Mr. Krischer's letter, which requested copies of various documents, was addressed to Mr. Iler and not the City Clerk who is the Custodian of Records. She stated that her letter advised Attorney Krischer that some of that documentation between attorneys and clients is privilege information and not subject to the sunshine pursuant to Section 119.071 of the Florida Statutes. She stated that her letter did not say that Mr. Iler's reports were subject to any privilege.

Attorney Krischer apologized because he did not intent to indicate that the City Attorney was withholding records. He expressed concern that Mr. Iler was performing the duties of the City's Planning and Zoning Director and everything he as done to date would ordinarily be performed by a director. The Code provides that the director has to prepare an application for every zoning application. In assuming that function Counsel naturally assumed that when performing a public role, which is well established under the public records law that his drafts, meeting notes and studies, would be subject to the public records act and subject to inspections. He opined you can not hide from the sunshine law by outsourcing your review. Based on the response from Mr. Iler, the public records request was redirected to the City Clerk.

Attorney Dickens stated Mr. Krischer's letter to Mr. Iler requested no only his records but City records. The City has produced everything that Mr. Iler did so that there is no appearance that the City is holding records. The only thing that was held back were Attorney Client privilege documents.

Attorney Krischer said the public records request asked for documents from Mr. Iler that were in his possession. No documents were produced by Mr. Iler.

Vice Mayor Braynon opened the floor for the public hearing.

Nathan Miller, President of the Vista Verde Townhouse Association, 2833 NW 207th Street Road, Miami Gardens, Florida, appeared before the City Council in support of this application. He stated the residents in this area did not want an auto auction in its neighborhood.

Kenneth Coakley, 21441 NW 39th Avenue, Miami Gardens, Florida, appeared before the City Council in support of this application and against an auto car auction.

Attorney Dickens asked the Court Report to put into her record that she had walked out of the room when the neighbors were speaking under public the public hearing.

Claudette Brinson, President of Miramar Gardens Homeowners Association, 3901 NW 213th Street, Miami Gardens, Florida, appeared before the City Council in support of this application and against having an auto auction in the neighborhood.

Rose Allen, 3210 NW 212th Street, Miami Gardens, Florida, appeared before the City Council in support of this application and against an auto auction.

There being no other interested parties to speak on this item, the public hearing was closed.

Motion offered by Mayor Gibson, seconded by Councilman Harvard to approve this item.

Councilwoman Pritchett asked for clarification as to whether Mr. Iler was being retained by the City Attorney as mentioned by the property owner's attorney.

Attorney Dickens stated she did not retain Mr. Iler. The City retained Mr. Iler's firm when it entered into agreements with Architects, Engineers, and Planners for professional services.

Councilwoman Pritchett said the statement that the DRI on NW 199th and 27th Avenue was approved in 1985 was a true statement. However, when this area incorporated in 2003, the City's Charter specifically addressed that DRI. A change was made to the DRI and approved by the Miami-Dade County Commission to change the build out date from 2017 to 2012. She said she wanted to make it clear that even though that DRI was initially approved in 1985, the City's Charter Revision Committed made recommendations to change the build out date from 2017 to 2012, this recommendation was submitted to the Miami-Dade County Commission and subsequently approved as part of the City's Charter.

Mayor Gibson stated the changes that have occurred in this area prior to the incorporation. The fact can not be ignored that there have been tremendous change in this area, even in the mile radius around this property. There is a different sense of people caring about where they live. People now have people who will advocate for them for what they want. There are people up here who care about the community in which they serve. There are people on the dais who says that they have a right to look to the future for their city. No one that sits on this Council sets policy or makes a decision that only applies to the next five years because it would be irresponsible. She shared that she attends meetings and from the information she receives she knows that this area is growing and that the state of

Florida is growing by over ten percent every year. Those people are coming and they are going some place and a lot of them are coming here. This city will not be unviable economically as Mr. Book said. If there is a decision tonight it does not mean that the Council will do what it wants to do. The millions and billions of dollars that have been invested in this community have been invested because everybody understands that this Council and the people who live here want better for this community.

Mayor Gibson said that Mr. Huizinga is investing in this community not because he likes Miami Gardens but because he is going to get a major return on his investment. There is not any investor that is making any investment in this community that is not going to get a return on their money. Investors are coming here because it is viable, because there is a Council that is making intelligent decisions; there is staff that can assist investors with making intelligent decisions.

Mayor Gibson said the counsel for the Dolphin DRI wanted to make sure considerations were done for that DRI through Miami-Dade County. That DRI has been changed many times because the original date of that build out was 2007.

Mayor Gibson shared that she has been hearing zoning matters since 1996 and Attorney Goldstein has been before the Community Council in which she served many times. She stated that in her experience hearing zoning matters she has never had a client bring anyone in as an expert witness or to be represented that came with a report that was contrary to what they wanted.

Mayor Gibson said representatives are paid to get the results their clients want. Whether that paid representative prevails or not, that representative is not working in the defense of Miami Gardens.

Mayor Gibson reiterated, the Council has a right to look to the future of this City. She stated, "It has been stated numerous times that the City is built out. What does that mean; that means something to the tax base of this city in the years to come. If you are telling us already that we are built out and that we are to take something very lightly, I think not. It means what you do when you make decisions about what your economic base will be. It is a legitimate decision that policy makers make.

Mayor Gibson said it has been stated tonight that the City's proposed Comprehensive Development Master Plan that has been submitted to DCA has no merit. She shared that she has read the comments submitted by DCA and the CDMP does need additional comments. However, those are not insignificant. However, the CDMP process could not have been completed without the stakeholders' involvement and input.

Mayor Gibson said she did not want anyone to think that they can come here and make the statement the Council is being so unfair. The Council has a right to dream and a right to think of what they want to do and have in this City for the future.

Councilman Harvard shared that he had visited the site of tonight's discussion. He expressed concern with the amount of traffic already being generated by the school in the area of NW 215 and 47th Avenue. He further expressed concern with the transport vehicles that would be used to bring in vehicles for the auto auction and the potential impact on traffic.

Attorney Dickens advised the Council that tonight's item is not about whether an auto auction

should be on the property. The Council's job tonight is to determine if there have been sufficient changes since the approval in 1996, such that to permit that auction right now based upon those changes would be detrimental.

Councilwoman Watson reference a comment made by Mr. Curtis that the City's Charter does not allow the City to change anything in the Code adopted by Miami-Dade County and asked for clarification.

Attorney Dickens said the Charter does not stated that the City can not change the County's Code. All the charter states is that this is the interim code. That is the Code the City is using until it is changed or the City adopts provisions that are inconsistent with it, which the City has done. However, as it relates to this particular application the City has not changed the zoning code from Miami-Dade County. The section tonight's discussion is being held on was in existence in 1996. That is still the law of the land for the City of Miami Gardens because the City has chosen to not change that provision.

Vice Mayor Braynon asked Attorney Dickens how would she define sufficient changes and in circumstances.

Attorney Dickens said this is the Council's job and has staff 's reports as a guide to make that determination.

Vice Mayor Braynon relinquished the gavel to Mayor Gibson.

Motion offered by Councilwoman Watson, seconded by Councilman Campbell to defer this item until discussion is held on Item 9D. This motion passed and carried by a 6-0 voice vote.

9D) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DENYING THE APPLICATION SUBMITTED BY FLORIDA AUCTION OF ORLANDO, INC., FOR A VESTED RIGHTS/TAKINGS DETERMINATION IN ACCORDANCE WITH SECTION 2-114.1 OF THE MIAMI DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Attorney Krischer appeared before the City Council and requested that all information provided during the previous item be incorporated as part of this item. He conveyed his client's belief that the Council's action tonight is to deprive the property owner of his/her vested rights and or the revocation of the property and expose the City of Miami Gardens to considerable liability. The property owner spent approximately 9 million dollars to acquire the property. Additional funds were expended to close the landfill.

Attorney Krischer recounted how the property owner after purchasing the property made efforts to improve the property by applying for the Brownfeld Designation. His reiterated his client has spent

millions of dollars on this property.

Attorney Brigham appeared before the City Council to inform them of the owner's constitutional rights. For a landowners perspective, Counsel does not believe a staff report could confidently advise the Council in this matter as it relates to constitutional issues, nor does Mr. Iler has to training to do that.

Jeff Lenar appeared before the City Council to answer questions posed by Attorney Brigham.

Attorney Brigham asked Mr. Lenar to describe his responsibilities.

Mr. Lenar said he handled all real estate actions and handled the construction for Florida Auto Auction of Orlando, Inc.

Attorney Brigham asked whether Florida Auto Auction of Orlando, Inc, at anytime recognized a need for an auto auction in South Florida.

Mr. Lenar replied yes that need was recognized February 2000.

Attorney Brigham asked if a search of the Miami-Dade area was conducted for a site.

Mr. Lenar replied yes. However, the property in Broward already existed as an auto auction site. He said he was aware of the 190 acre site in Miami-Dade County because a competitor owned it.

Attorney Brigham asked Mr. Lenar if he was aware that this property had a site plan approval.

Mr. Lenar said yes, which made him interested in the property.

Attorney Brigham asked once he was able to purchase this property did he continue his search.

Mr. Lenar said there was no need to continue the search.

Attorney Brigham asked whether Mr. Lenar would have acquired this property if it had not had a site plan approval.

Mr. Lenar replied probably not.

Attorney Brigham asked is that why Mr. Lenar had spent significant amount of dollars purchasing this property.

Mr. Lenar said yes and shared he has been purchasing property for 20 years and had never seen a property already zoned for an auto auction.

Attorney Brigham asked how much money did Florida Auto Auction spend for this property.

Mr. Lenar said the purchase price was 9 Million dollars and an additional \$200,000 to address the landfill.

Attorney Brigham asked whether Florida Auto Auction has considered building anything other than an auto auction on this site.

Mr. Lenar replied no.

Attorney Brigham asked Mr. Lenar to explain why filed an application for substantial compliance.

Mr. Lenar said he was not familiar with the legal terminology for the substantial compliance. Staff met with City Staff in an effort to enhance the property.

Attorney Brigham asked whether Mr. Lenar had conversations with City officials about the proposed modifications to improve the auto auction facility.

Mr. Lenar replied yes.

Attorney Brigham asked Mr. Lenar to describe what those officials said to him as it related to the proposed modifications.

Mr. Lenar said the first meeting representatives wanted to introduce them and discuss the site plan. A second meeting was scheduled with the Mayor and the City Attorney to further discuss this issue. At that meeting the Mayor and City Attorney indicated they wanted the Florida Auto Auction to donate 100 acres of this property to the City.

Attorney Stroud asked Mr. Lenar how much of that \$200,000 was spent on the Substantial Compliance application.

Mr. Lenar said not very much.

Attorney Brigham asked Mr. Curtis to come forward for questioning. She asked Mr. Curtis if he was familiar with the draft CDMP proposed by the City.

Mr. Curtis stated that he was familiar with portions of that plan.

Attorney Brigham asked Mr. Curtis is he was familiar with the Recreation and Open Space Element.

Mr. Curtis said he had read that element.

Attorney Brigham asked Mr. Curtis to read Policy 5.5.4 of that Element into the record.

Mr. Curtis read "policy 5.5.4 "as part of the Parks Master Planning Process, the City shall develop a feasibility study to identify a regional park facility of approximately 100 acres.

Attorney Brigham asked if there was a similar version of that policy that was transmitted to

DCA, June 2006.

Mr. Curtis said Policy 1.1.1.2 “as part of the parks planning the City shall develop a feasibility study to identify a regional park facility of approximately 100 acres.

Attorney Brigham asked whether Mr. Curtis surveyed the available land within the City of Miami Gardens.

Mr. Curtis said staff reviewed the current areas of the City and reviewed the CDMP.

Attorney Brigham asked whether there was a vacant piece of property other the subject site with 100 acres.

Mr. Curtis replied no, not to his knowledge.

Attorney Krischer reappeared before the City Council and stated the Council is about to undertake eliminating a right that the property has invested a considerable amount of money. He conveyed his understanding of the City’s desire to implement it own vision. However, there are constitutional and due process constraints.

Attorney Brigham reappeared before the City Council and stated that Mr. Iler has admitted that he is not an appraiser therefore he could not issue an appraisal in support of his conclusions.

Attorney Stroud reappeared before the Council and stated there are two matters before the Council in this application, which have to do with whether the revocation of the auto auction as an unusual use would be a violation of vested rights. The vested rights term is an equitable term, what is fair and how that is defined. The second matter has to do with the taking of a claim. The code provides that claims of a taking are limited to extreme circumstances; rising to the level of a potential denial of rights under the Constitution of the United States and the State of Florida.

Attorney Stroud said the implication and the speculation on the use of the property as a park is a element in the Comprehensive Plan and a vision of the City.

Mr. Iler reappeared before the City Council to expound on this item by referencing the report he had submitted. He said the standard for a vested rights claim is a good faith reliant upon acts or omission of government. Revocation of unusual uses and variances are specifically allowed under Section 33.317 three years after approval. With this revocation the property will still retain a substantial number of development rights and approvals.

Mr. Iler reiterated the site plan submitted for Substantial Compliance was much more intense than the previously approved.

Attorney Krischer re-appeared before the Council to rebuttal.

Vice Mayor Braynon opened the floor for the public hearing. After there were no interested parties to speak on this item, this public hearing was closed.

Motion offered by Mayor Gibson, seconded by Councilman Campbell to deny this application.

Mayor Gibson asked for the location of other auto auctions within 15 miles of Miami Gardens.

Attorney Krischer shared Lauderdale/Miami, Broward County, adjacent to the Hard Rock.

Mayor Gibson asked how long as Attorney Krischer's client been operating at that location.

Mr. Lenar said the property was purchased in 2000.

Mayor Gibson asked if this item is not approved would Mr. Krischer not be able to use the property in any manner.

Mr. Krischer said there are two instances where his client can make a claim in court and which poses a liability to the City: 1) revocation of vested rights and 2) a taking claim.

Mayor Gibson stated that when Attorney Brigham commented on the professional abilities of Mr. Iler and stated that he was not an appraisal, not an attorney, not an engineer or economist but seemed to be functioning in those roles by giving data or facts or reports that will lend itself to say that he is providing the Council with information to support the taking. **1002.5**

RESOLUTION NO. 2006-119-465-Z-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DENYING THE APPLICATION SUBMITTED BY FLORIDA AUCTION OF ORLANDO, INC., FOR A VESTED RIGHTS/TAKINGS DETERMINATION IN ACCORDANCE WITH SECTION 2-114.1 OF THE MIAMI DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

9E) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING, WITH CONDITIONS, A SPECIAL EXCEPTION TO PERMIT AN ALCOHOLIC BEVERAGE USE LESS THAN TWENTY-FIVE HUNDRED (2,500) FEET FROM A CHURCH; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Please note this item was deferred to the November 1, 2006 Zoning Meeting as the request of the applicant.

10. DISCUSSION/INFORMATION:

10A) CDMP Objections, Recommendations and Comments Report from DCA

Staff provided the City Council Members with the report on the Objections, recommendations and comments from the State of Florida Department of Community Affairs in regard to the City's

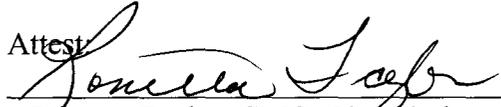
proposed Comprehensive Development Master Plan.

Councilwoman Watson asked the Council to grant authorization to spend up to \$10,000.00 to assist with travel and hotel accommodations for the Junior Council Members to attend the National League of Cities Conference. She shared that she is seeking to reimburse the City for this expense from outside sources but because of the time frame involved with the purchase of airline tickets the advance of \$10,000.00 is needed.

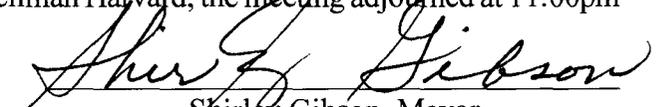
11. ADJOURNMENT:

There being no further business to come before this Body and upon a motion being duly made by Vice Mayor Braynon, seconded by Councilman Harvard, the meeting adjourned at 11:00pm

Attest



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor