

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, APRIL 19, 2006

FISHER ISLAND TENNIS CENTER.

1. Call to Order

With MAC Chair, Ira Ostrow presiding, the April 19, 2006 Fisher Island MAC meeting was called to order at 6:10 PM.

2. Role Call

Present were the following:

Javier Acosta

Robert Vole

Jorge Garcia

Ira Ostrow

Carolyn Sakolsky

3. Approval of Minutes

The minutes for the 3/01/06 meeting were distributed by Mr. Acosta.

Mr. Ostrow calls for a motion to approve the minutes of the 2/01/06. Mr. Acosta moves that the minutes be approved as submitted and Ms. Sakolsky seconds the motion. Vote is taken and the minutes are approved.

4. General Discussion - BCC Mitigation Task Force

Mr. Ostrow asks Jason Rodriguez to share information with MAC members.

Mr. Rodriguez informs that in the packages provided by him to MAC members at this meeting there is a copy of the resolution recently adopted by the Board of County Commissioners (Resolution 342-06 adopted 3/21/06). The resolution establishes a mitigation task force: a task force that will advise county manager on how to proceed with mitigation policy. At this time Mr. Rodriguez does not have information as to when the first meeting of said task force will take place.

Mr. Ostrow asks if there is any wording in the resolution suggestive that the moratorium will be lifted, or as to whether there has been any activity by the commissioners suggesting the moratorium is about ready to be lifted.

Mr. Rodriguez replies no. There is nothing in the resolution addressing the moratorium on incorporation and there has not been any indication at any recent meeting of the Board of County Commissioners. The BCC will be meeting again on April 27, 2006. Mr. Rodriguez has not seen anything pertaining to the moratorium. Mr. Rodriguez informs that currently the BCC also has a suspension on incorporations and annexations pending report from the county manager on impact of annexations and incorporations since 2000. That report has not yet been provided to the BCC although it is due. These two issues are interrelated.

Mr. Rodriguez informs that once that report is signed and delivered he will bring a copy of it to the MAC.

Mr. Vole points out that the task force is to advise about the current cities that are paying mitigation – has nothing to do with the future.

Mr. Rodriguez agrees.

Mr. Ostrow points out that it will probably set precedent of some type affecting future incorporations.

Mr. Rodriguez feels that it is reasonable to state that any revision to the mitigation policy will affect future incorporations.

Ms. Sakolsky interjects that the Fisher Island agreement will state that they will pay at least as much as the other municipalities' mitigation cost. She's concerned that the end result of the BCC may be that they stop future incorporations.

Ms Sakolsky asks Jason Rodriguez about Broward County's mitigation policy since every area there is incorporated.

Mr. Rodriguez informs he is not familiar with Broward's structure but he is aware of an ordinance they passed that requires all of the county to be incorporated by a specific time frame. At one time a similar resolution was proposed in Dade County but the board has never adopted such a policy.

Ms. Sakolsky asks Jason Rodriguez if he thinks there's a possibility the county may decide to designate all of the currently unincorporated area into one city.

Mr. Rodriguez replies that at one time there was such a proposal on the table sponsored by Commissioner Soto. He wanted to call all the unincorporated area of Dade County the City of UMSA and make them one municipality. The Board of County Commissioners did not adopt that proposal.

Jorge Garcia asks Mr. Rodriguez if he has any idea what will be contained in this report that is due in 60 days.

Mr. Rodriguez says when the report is due depends on when the task force can meet. The task force will have to provide a recommendation to the county manager for the county manager to present to the BCC regarding how to address the concern of the communities that have brought up the issue of mitigation. The representatives of those cities will also be at the table as part of the task force.

Mr. Garcia wants to know if the findings reported will be up for vote by the commissioners.

Mr. Rodriguez answers yes. In order to adopt any policy the commissioners must vote on it.

Mr. Ostrow feels that whatever policy is adopted will affect the cities already incorporated and will set policy for future incorporations.

Mr. Rodriguez goes on to read section 4 of the resolution:

"The task force shall conduct a study and submit a recommendation to the Board of County Commissioners as to an appropriate policy for the adjustment of mitigation payments paid by the Town of Miami Lakes, The Village of Palmetto Bay, and the City of Doral – and any additional matters as requested by the infrastructure and land use committee of the county commission. This study shall include any recommendations as to the appropriate formula for determination of the amount, duration and frequency of mitigation payments. In conducting the study the task force shall consider existing mitigation commitments and policies, the current and planned uses within the municipalities, the annual property values in the areas since the date of each municipality's incorporation and property valuation forecasts for these areas, the financial impact of incorporation of recipient municipalities, the financial and service needs of the Town of Miami Lakes, Palmetto Bay, City of Doral and the unincorporated municipal service area, and any other appropriate factor or factors that would be relevant to the commission's consideration of its mitigation policies."

Mr. Ostrow feels this covers it all. Mr. Ostrow asks if there are any other questions regarding this resolution. Mr. Ostrow feels this is a step in the right direction for both incorporated and cities looking to incorporate.

5. Discussion - PMG Associates, Inc.

Mr. Rodriguez informs that the items provided by him tonight pertain to Mr. Acosta's request at the last meeting that he provide a copy of the county's contract with PMG for review and further information. There was an additional document sent to PMG which specifically pertains to their job with the Fisher Island MAC. Mr. Rodriguez also provided a copy of the 2006 letter to the Department of Procurement Management to PMG.

Mr. Ostrow wishes to discuss the implications of such documents. He explains that the county commissioners designated that there be a third party review board of all budgets of all proposed municipalities to determine whether or not the municipality is qualified to incorporate. Mr. Ostrow says that although there is currently in a moratorium, the county has approved as of 4/10/06 the third party to go ahead. He feels this means that if the third party review board is moving ahead, then so should the Fisher Island MAC. He feels the MAC should continue to meet regularly and be prepared for whatever comes next.

Mr. Ostrow also explains that the MAC has no time limited. After the one year time line of the resolution ended the MAC was recreated by ordinance which means the MAC does not have to go up for review again and again each year. The MAC is now ongoing until it chooses to make a final recommendation for or against incorporation is presented to the BCC.

Mr. Ostrow informs the committee that Kathleen Gonot has contacted him on behalf of PMG Associates, because she would like to come out and do an overview and have a better understanding of the island prior to beginning her work. Mr. Ostrow responded to her and gave her a couple of dates and that the best date for him was May 1st. Her email to Mr. Ostrow specified that she cannot go with a group because of the Sunshine Law. Mr. Vole offered himself as the backup person should Mr. Ostrow not be available.

Mr. Rodriguez reminds everyone that the work of PMG Associates is to get a comprehensive understanding of the island's structure – of the proposed municipality – in its entirety. That is the reason why they are requesting this tour. They want to really get all the details that they need for their analysis. Mr. Rodriguez explains that the tour is one component of the work and they will also speak to MAC members individually.

Mr. Ostrow comments that he feels it is important to continue to show the Department of Annexation and Incorporation, the county commissioners, the Fisher Island Commissioner, the people on the island and anyone else involved that the MAC is continuing to move forward irrelevant of the moratorium. He considers the moratorium to be a holding pattern. Mr. Ostrow believes everyone should continue

to work on their individual projects and move forward. It is important to continue to meet and that a letter should be sent out to the community to let them know that the MAC continues to move forward.

Ms. Sakolsky feels that it would be wiser to continue to meet and one point hold a public meeting to answer the community's questions.

Mr. Ostrow explained that it would be important to show the Gonots the possibility of a public zone by the ferry terminal.

Mr. Vole recalls prior discussion that there is a small area by the car wash that a small meeting place could be there and still offer privacy to the island. Mr. Vole feels this would only be a back up scenario. It would be great to put the city hall on terminal island if it all works out with Miami Beach.

Mr. Rodriguez explains that land owned by one city would have to be de-annexed to the county and then the county would have to allow annexing it to the new city.

Jorge Garcia asks Jason Rodriguez if he knows of any interlocking agreements present between Doral or Village of Palmetto Bay, or other incorporated municipalities with any other cities or counties.

Mr. Rodriguez replies no. Each municipality has its own interlocal agreements and with the county. Mr. Rodriguez is not aware of any municipality that has an agreement with another municipality. He can check but is currently not aware.

Ms. Sakolsky feels the MAC shouldn't worry about anything off island at this point. The MAC should just assume taking a little portion right opposite the ferry and then there is no risk of anyone saying the privacy of the island will suffer. There will also be no risk of any challenges. There is no requirement to have an auditorium.

Mr. Ostrow agrees.

Mr. Vole states that the land in question is owned by the developer. He feels this discussion should take place at a later time when more information is gathered and researched.

Mr. Ostrow feels that Miami Beach turning over land to FI is a limited possibility. Mr. Ostrow did some personal research recently and found that there is a lot of development planned for the area in and around the Children's Museum. It is a City of Miami project.

Mr. Ostrow and Ms. Sakolsky agree that the researching the issues with the property by the car wash on the Island is the best way to go.

Mr. Vole reiterates that he feels it would be best for everyone to do a little research on their own on this subject and discuss this at a later time. He feels this needs to be thought out because of the privacy issues on people's minds.

Mr. Ostrow suggests that for the next meeting part of the agenda should be an open discussion concerning alternatives for the public area for the city hall. The boundaries still have to be submitted to the planning advisory board. Mr. Ostrow feels that the MAC is still responsible to improve people's anxiety by securing a public zone that the public is not permitted to leave. Mr. Ostrow feels everyone should look into this and come forth at the next meeting with their findings.

Mr. Acosta expresses his opinion that the concern over the public zone has a phantom fear involved. He feels that just because something is designated public people are not going to be lining up to enter.

Mr. Vole agrees. He also points out that just because something is public area doesn't mean it's open 24/7 to the public. Also, being that it is public area it will be policed.

Mr. Garcia wants to know if there is a consensus as to what should be brought to the next meeting.

Mr. Ostrow feels everyone should be working at looking at a private area that can be considered a public zone within the boundaries of the island.

Ms. Sakolsky reminds everyone about the land in Key Biscayne that is unincorporated.

Members agree to do further research on the matter of public areas.

6. Next Meeting of the Fisher Island MAC

After discussing availability among members the next meeting of the MAC is scheduled for **Wednesday, May 31, 2006, 6PM.**

7. Adjournment: Motion was made for adjournment and seconded and the meeting was adjourned.