

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, NOVEMBER 17, 2004

FISHER ISLAND TENNIS CENTER

1. Call to Order

With MAC Chairperson, Ira Ostrow presiding, the November 17, 2004 Fisher Island MAC meeting was called to order at 6:00 PM.

2. Role Call

Present were the following:

Jorge Garcia
Robert Vole
Javier Acosta
Ira Ostrow
Carolyn Sakolsky

The following members were absent:

Michael Pearce
William Charouhis

3. Approval of Minutes

Mr. Ostrow recommended that the Minutes of the last two minutes be approved at the following meeting to allow Miami Dade Police Department to begin their presentation. (motioned and seconded by MAC members)

4. Metro-Dade Police Department Presentation

Mr. Ostrow explained that the county requires new municipalities to maintain a relationship with Miami-Dade Police for three years and a fourth year if transition is required. He then introduced the following officers: Officer Dak Simonton, Sgt. Alice Alfonso, Lt. Sheila Thomas, Capt. James O'Donnell, Maj. Juan Odio, and Maj. Thompson. Mr. Ostrow then turned the floor over to the MDPD for their presentation.

Captain O'Donnell gave out handouts of the presentations and gave a brief description of the services available through MDPD.

The group made their presentation covering what was included in the handout and then opened the floor to the MAC for questions.

Carolyn Sakolsky

Q: Can these officers – can they do other things that our personnel are now doing, because otherwise they'll be bored to death with nothing to do? What will they do?

A: The functions will depend on your City Manager and Mayor. This is your police department. A lot of it has to do with presence; they would back up the security force. Every now and then there will be an incident that requires back up. As for specifics, I can't just have one officer here. We feel that to have a police presence it would take too long for someone to come out here especially if there's an emergency. You've been very fortunate especially with the fire department.

Jorge Garcia

Q: On page 21 you have a recommended staffing of 17, that is just a recommendation at this point?

A: Yes. That is a recommendation it could go more it can go less. In this configuration of 24/7 we can't go less than the actual officers – 10 officers. We can look at supervision and detectives, but the actual officers we can't go lower than 10. We also need supervision.

Robert Vole

Q: Has any of this been done off of the existing statistics? Because I know a lot of things are based on percentages – Have you had actual data? I've never seen more than one police officer on the island at any given time.

A: Officers that come here now have to drive out of their area to get here. The officers here would be part of the city. Unfortunately there has been crime. Not large crimes, not major crimes, but there have been issues.

Q: The number of calls you stated was very specific. Are those calls done from Fisher Island or an estimated number?

A: No. That was the actual.

The possibilities of 911 hang up calls was discussed. A female representative says the calls regarding couple disputes are elevated.

Mr. Ostrow expressed to Mr. O'Donnell that after touring the island with him prior to this meeting, he was under the impression that there would be 2 or 3 proposals to look over because of the uniqueness of the island, yet there is only one proposal in the presentation. Mr. Ostrow further expressed that he is overwhelmed by the

number of officers and the amount of money that would be required to maintain a contract with the department. He feels it over reaches the needs of the island. Mr. Ostrow feels the presentation is beyond the logical need of the island and would like Officer O'Donnell to revisit the entire matter. Mr. Ostrow feels that based on the island's risks for crimes and statistics the proposal needs to be more realistic.

Officer O'Donnell explained that at the time of the initial meeting he did not know what the MAC wanted. The island does have a unique situation. They will put together some other possibilities.

Mr. Ostrow opens the floor to anyone with questions.

Bernard Korman:

Q: Is 24/7 a contractual must.

A: No.

Mr. Korman feels the police coverage should be to supplement the island's 80-member security force.

Robert Zukowski request that next proposal include costs of other cities to compare where the county ranges compared to other municipalities.

Q: Will police be here to prevent crime or deal with it?

A: Police do as they are instructed by the City Manager. There are issues with teens on the island, with members that come on weekends that are not residents, with traffic, etc.

The question arises whether or not the police department would need office space. The answer is no. The officer on duty would use the security office if they had to write a report, etc.

Mr. Ostrow thanked the members of the MDPD on behalf of the MAC and Fisher Island residents.

5. Review of Agenda

Mr. Ostrow corrects agenda. The adjournment is not 7 pm – adjournment when ready. The 6 pm to 8 pm is a general guideline for the meeting.

Mr. Ostrow feels that item 4 – discussion on decision process for public hearing between the 5th and end of January – should be held off for after the discussion of the feasibility study, which has just become available.

6. Feasibility Study

- A. Tax Base – Mr. Ostrow read from the feasibility study, which states that the city has sufficient tax base to provide services to its residents and pay the required annual mitigation fee to the county.

A comment is made that perhaps the police services should fall within the mitigation. Mr. Ostrow agrees that the issue should be brought to the forefront.

- B. Contract City - The study recommends that the city employ no more than five full time employees in the first three years and contract everything else out.

Mr. Ostrow explains that the tax money that can stay in the city can provide better services for the city. Becoming a city is about governance and creating an exit strategy for the developer.

The question is asked by Lynn Dannhasser as to what other revenues can be generated as a city that are not being generated now. Mr. Ostrow explains that there are many other revenues.

Lynn Dannhasser mentions that there are a number of revenues to be generated from licensing, permitting, forfeitures, etc.

Mr. Ostrow explains that the author of the feasibility study was very conservative in his numbers, but he is working from an \$800,000 gross value of property, when in truth it is well over a billion and well over another \$130m in Villa del Mar alone, when and if it is annexed. In the end the figures are substantially higher than are being reported. But the numbers of the study are a basis to work with.

Mr. Ostrow points out that as a municipality the city will have the ability to issue bonds for acquisitions. Miami-Dade has committed to giving the island the Ferry terminal property which is presently leased from them. There is also the Miami Beach property which is currently in litigation and as a municipality there would be an alternative way of solving the problem.

Mr. Ostrow feels the public meeting will be helpful to get consensus.

The issue is raised that Broward County has just passed a total incorporation law and that perhaps this is a good time to incorporate should Miami-Dade do the same.

Mr. Ostrow introduces Lynn Dannhasser, who has been involved with the incorporation of Palmetto Bay, Sunny Isles, Pinecrest, Miami Lakes and is acting as

legal consultant to Fisher Island Incorporation Committee. She is also the attorney for the City of Sunny Isles.

Leon Sirkin asked the following;

1. Can a municipality outlaw a citizen from using that municipality?
2. When the captain was making his presentation he did not mention that he had a contract with Sunny Isles Beach. So I would like to ask Lynn how in the world.....?

Mr. Ostrow promises to come back to those questions and asks Jason Rodriguez to speak regarding prior question.

Jason Rodriguez explains that Miami-Dade currently does not have a total incorporation policy. It has been discussed at the Board of Commissioners. Jimmy Morales introduced this issue three times with different conditions. Those efforts were not adopted by Miami-Dade County Commission.

Lynn can you please answer Leon's police question about the contract between Sunny Isles Beach.

Ms. Dannhasser explained that they were in a slightly different posture. They were the last to be allowed to incorporate without the mitigation fee and without the mandate to contract with police services. They wanted to continue to support the county police, but it turned out it was three times more expensive than having their own police department. She pointed out that in the case of the island and the unique circumstance it has may not be too bad to deal with the county.

Jason Rodriguez reminds the MAC that the contractual responsibility is only three years.

Mr. Ostrow now refers to Mr. Sirkin's question of privacy. Mr. Ostrow explains that Fisher Island is a private community and they can be compared to Indian Creek, as it is an affluent and private community.

Mr. Ostrow refers to an opinion letter requested from Indian Creek's City Manager regarding privacy after incorporation. In summary the letter from Mr. Kissinger says that Indian Creek has not lost their privacy. The town meetings are public and that the village hall is off premises but adjacent to their property on the mainland; and recommends Fisher Island do the same.

Mr. Korman commented that the MAC should look into whether Indian Creek has done any municipal financing, because that may affect the privacy issue.

Mr. Ostrow explained that MAC member William Charouhis, wrote a letter to Robert A. Ginzburg, County Attorney, having to do completely with the issue of privacy.

Regarding FICA, Mr. Ostrow points out that in the Feasibility Study FICA, the Club Board, the Homeowner's Association and the developer's vested rights remain as separate entities.

It is announced that the Feasibility Study will be posted on the website www.fisherislandvillage.org as well as the minutes of the meetings.

Mr. Ostrow announces that he checked with the Department of Elections and that the number of Fisher Island registered voters went from 250 a month prior to elections to 303 registered voters as of this time. Mr. Ostrow explains that it is necessary for 50% of the registered voters to vote in favor of the MAC (152 votes in favor of the matter).

Jason Rodriguez clarified this by adding that the vote is decided by the majority of the registered voters voting that day. If only 10 people choose to vote and 8 are in favor then you've got a deal.

Mr. Ostrow reiterated that this is a community wide effort and they will only recommend incorporation to the county if they have the general consensus of the community – not just a handful of people. This is why the broad meeting in January is so important.

Carolyn Sakolsky motions to have the meeting in January and it is seconded.

The question is raised as to whether the commission votes before the vote on the island or after.

Jason Rodriguez explains that the order is that once the MAC finishes the study and they make the recommendation that they want to proceed, it will go to the county commission and a resolution to set a date for an election on Fisher Island is made, then based on public input and information presented the Board will decide whether to set a date for an election or deny the request.

Lynn Dannhasser: Jason, aren't there other steps before going to the county commission?

Jason Rodriguez - Yes, there are two other steps ahead of going to the county commission, but they only provide a recommendation to the county commissioners because the county charter requires or gives the power only to the county

commissioners. The Boundaries Commission and the Planning Advisory Board are the two separate entities that listen to incorporation and annexation requests. Again, it is important to remember that they don't have the power to stop the incorporation. All they have is the ability to make a recommendation to the Board of County Commissioners.

Mr. Korman: Do they have guidelines as to what they examine?

Jason R.: Yes, they examine financial feasibility.

Lynn Dannhasser asks if a municipality has to have their town hall within their boundaries, how can you have an off island meeting place? Would you have to buy property now and add it to your boundaries?

Jason asks Mr. Ostrow about the ferry terminal property that he mentioned earlier the county would deed over.

Mr. Ostrow said he believes the island has a long term lease and someone mentioned that after incorporation the property would be deeded. (perhaps Peter Dolara)

Jason will research this further.

Mr. Ostrow discussed that there is a piece of property that may become property of Fisher Island and could be used as an off site City Hall.

There was some discussion about whether the MAC could be stopped by a moratorium, or if the county changes it's mind.

Jason Rodriguez clarified that the MAC is an established an ongoing process. If the commission decided to stop incorporation now the MACs in place would not be stopped.

Mr. Ostrow concludes by reading the conclusion of the feasibility study, which summarizes by stating that there are no financial reservations whatsoever about incorporation and that municipal incorporation is economically feasible.

Jason Rodriguez asks Mr. Ostrow for copies of the letter from Indian Creek and the letter to Mr. Ginzburg. Jason suggested that the MAC might want to invite officials from Indian Creek since it is the community being compared to Fisher Island.

Jason Rodriguez introduced his colleague Sara Ingle who can also be reached if Jason is not available. She will be attending the meetings with Jason.

7. **Public Meeting:** Wednesday, January 5, 2004; 6 PM at the Mansion
Mr. Ostrow asks Michael Posey to get approval for that date
8. **Next Meeting:** December 15, 2004; 6 PM
9. **Adjournment:** Motion was made for adjournment and seconded and the meeting was adjourned.