

City of Coral Gables City Commission Meeting
Agenda Item E-8
November 15, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant City Manager, Peter Iglesias

Public Speaker(s)

Agenda Item E-8 [3:05:22 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida amending Section 105-26 of the City of Coral Gables Code to prohibit all exterior construction on Saturdays in residential zones or within 100 feet of residential zones, providing for repealer, severability, codification, enforceability and providing for an effective date. (Sponsored by Commissioner Lago).

Mayor Cason: Next is E-8, another Ordinance on First Reading.

City Attorney Leen: Thank you Mr. Mayor. Item E-8 is an Ordinance of the City Commission of Coral Gables, Florida amending Section 105-26 of the City of Coral Gables Code to prohibit all exterior construction on Saturdays in residential zones or within 100 feet of residential zones, providing for repealer, severability, codification, enforceability and providing for an effective date. This is an Ordinance on First Reading, sponsored by Commissioner Lago. I would also like

to add even though it doesn't say it in the title that this will apply these rules on Saturday, Sunday, and holidays, and on Second Reading we will put up a parenthetical even though we won't change the title, we will put a parenthetical referencing that. The City Manager raised that issue and I know that was important to her.

Mayor Cason: Another thing that needs to be included is pile driving, because people are building along the waters bulkheads and on a Saturday.

City Attorney Leen: Mr. Mayor, I'm sorry, the Mayor wanted to add pile drivers expressly in the ordinance and Commissioner Keon wanted to add music that's played on a construction site that's plainly audible at least 100 feet.

Mayor Cason: How about rap music? No just kidding.

City Attorney Leen: It's not that Commissioner Keon is against music at all, I want to be clear, and she made it clear. One issue is that if someone is right next to you, she informed us, and they are doing construction and there is a radio playing all day, every day that can cause a real harm to...

Commissioner Lago: Thank you Craig. Again, just to be brief, I want to thank Miriam and her staff for doing an incredible job along with the City Manager for giving a bunch of input in regards to this ordinance. It's something that we've been working on for a few months. We always talk about this Commission always strives for quality of life and I think that again, I'm going against my own profession here, the construction and design profession, but I think that if you have five days in a week day to perform exterior construction, I think the weekends should be sacred. If you have to do construction make sure that its only for interior on Saturday, but I want to make sure and get your buy-in and get your input like you said about piles and you said about music, I think there should be no exterior construction on Saturdays, Sundays obviously, and on holidays. This will bring I think a new dynamic to the City in reference to weekends, this is just residential and commercial projects that abuts 100 feet from a residential project, correct?

Deputy City Attorney Ramos: That's correct.

Commissioner Slesnick: Does this include Miracle Mile during construction?

Commissioner Lago: Well it depends if you have a residential neighborhood.

Commissioner Slesnick: You have 100 Andalusia and 10 Aragon.

Deputy City Attorney Ramos: We can exempt City projects.

Commissioner Lago: That's why we are discussing it here and flushing it out. I think it's important to again...

Commissioner Slesnick: You have residential right on Miracle Mile or one block, half a block from it.

Mayor Cason: That's true. You've got the Palace within 100 feet from potential bang, bang, bang.

Commissioner Lago: Well, I think that's something that we need to really discuss between First and Second, maybe each one of you can have a meeting with the City Manager and give your opinions in regards to the matter, but I think in concept in theory I think we all agree, I think, we all agree that what we are talking about single-family homes in the residential neighborhoods outside of the downtown area, there shouldn't be any exterior construction on Saturdays and holidays at all, and again, now from this ordinance we transition to enforcement and we need to give all the tools necessary to make sure that we enforce this.

Mayor Cason: So why don't you look at between First and Second on particular areas that may be worthwhile excluding like probably that Agave Project, I don't know how that one is going...

Commissioner Slesnick: That's right next to...

Commissioner Lago: This is just me; I don't think there should be any construction on major projects on a Saturday.

Commissioner Slesnick: And they can work inside once Agave gets going.

Deputy City Attorney Ramos: Right, interior is permitted just not exterior.

Commissioner Lago: Interior is perfectly permitted, perfectly permitted. I actually recommend it, but I think there needs to be some serious consideration for when you are building a building next to a residential neighborhood a stone's throw away.

City Attorney Leen: I do think Mr. Mayor, I do think two things; one, Commissioner Keon also wanted to add demolition, our Assistant City Manager for Operations and Building Official indicated that he views demolition as part of construction, but she wanted to make it express.

Mayor Cason: So put the word deconstruction.

City Attorney Leen: Put the word demolition in there; and then number two, I do think and I would defer to the City Manager, but that you should give the City Manager and her office the ability to grant exceptions to this. For example, let's say we need to expedite a project, we may need to do that at times and she should have that authority.

Deputy City Attorney Ramos: And so if you look at (E) it says, in exceptional circumstances and then it explains some, a special permit may be issued in writing by the City Manager. I can blot in that to say, in circumstances as City Manager deems fit or something to that effect where it's not constrained to only emergencies, which is what we were looking at here.

Assistant City Manager Iglesias: Commissioner certain projects, for instance Agave, they have new watering, which has to go on 24/7, if not, they just can't do the project.

Mayor Cason: When you pour the cement, they have 200 cement trucks, right?- they have to come in to lay foundations.

Assistant City Manager Iglesias: They might have a 400 yard pour – 40-50-60-100 trucks, so you need to have some ability to take care of those kinds of projects where we really have no idea where they are going.

Commissioner Lago: And I agree with you. This ordinance, the vision behind this ordinance was to protect the residential neighborhoods, as many as possible from residential construction. When I say residential, again you can talk about a building just because it's inhabited by residents doesn't mean it's residential, don't forget commercial is defined as four units or more. Again, we can finely craft that and finely tune when you talk about building construction, but what I'm talking about is in the residential neighborhoods. As you know, Coral Gables is basically built out in reference to the homes, so what's happening is on every single block there are two or three homes that are under construction – additions, renovations, full guts. What I want to make sure is that the Sundays are sacred and the Sundays are really dedicated to quality of life.

Deputy City Attorney Ramos: Sundays and holidays are already included.

Commissioner Lago: Saturdays, I apologize, I misspoke, excuse me. For example, on Saturdays you have somebody out there who is reroofing, they start at 9 o'clock in the morning. Not everybody is like me that have two young children who are up at 7 in the morning on a Saturday, so we want to sleep in, so we don't just want peace and tranquility to sit on the couch and read a

book. I've talked to a bunch of people that say listen, is there anything we can do about construction?- and that's where the vision behind this came.

Assistant City Manager Iglesias: For instance in the Agave Project, we've asked them to provide an acoustical survey prior to the start of construction. We are also asking them to do noise abatement and use electric instead of diesel, etc.; they use all kinds of abatement procedures to try to lessen the impact. However on certain projects we should have the ability to specifically allow those when there is no other choice.

Commissioner Lago: Let's also be sincere, you know that we've been doing this for a long time, OK. You can pour five days a week; there are certain times also when you have to make a decision whether pouring on a Saturday morning and inflicting that type of uncomfortable situation on the neighbors who you have to deal with. For example on that project that's going for three or four years. It's not like it's a six month project where you are in and out, this could potentially be a three-year project. There has to be decisions that have to be made so that you have a good continuing relationship with your neighbors.

Assistant City Manager Iglesias: My main concern is there is some surface work, which could last from 6 to 8 months and you have the de-watering...

Commissioner Lago: How you going to run the dewatering, they've got to run the dewatering with pumps, and to run those pumps they are running 24 hours a day, that's a completely different scenario of noise that I don't know how we are going to get over that.

City Manager Swanson-Rivenbark: Mr. Mayor, I understand the concerns and we are going to work on it between First and Second Reading. Regarding the residential zones we support the desire to make the single-family residential neighborhoods tranquil as it relates to streetscape, because someone raised that issue, we believe that's a project in the CBD (Central Business District), we would exempt ourselves from that prohibition. I'm just putting that out there.

Commissioner Lago: OK. Perfect.

Mayor Cason: Alright, any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Commissioner Keon: Do you feel the same way about like plastering or painting or whatever, you just want no work going on at all, or is it work that creates noise?

Commissioner Lago: That's why we are having this great discussion. If you tell me you want to do painting...

Commissioner Keon: No, I don't know.

Assistant City Manager Iglesias: Painting is part of construction, that's all part of the construction process.

Mayor Cason: But it doesn't make noise unless you have a squeaky roller. If people want to paint their house, a lot of homeowners might want to paint, they have to get the permit, it doesn't make noise.

Commissioner Lago: As always, I have great flexibility. So if you tell me that you want to allow painting, because you are going to be painting the exterior of your house.

Mayor Cason: I think painting should be allowed, because a lot of homeowners do it themselves and they work during the week, so they should be able to paint their house.

Commissioner Lago: Why don't we between First and Second Reading consider, maybe do a little background, a little additional legwork in reference to paint.

Commissioner Keon: I mean things that don't create noise.

Commissioner Lago: Stuccoing creates noise and you've got to mix the material and you've got to bring the material to the wall, you've got to throw it up on the wall. Paint could be an option.

Assistant City Manager Iglesias: Stucco actually has a diesel machine to go ahead and mix it, so those are issues.

Commissioner Keon: I won't let that go either, so I don't know.

Mayor Cason: So we close the public hearing. Motion by Commissioner Lago, seconded by...?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon.

Commissioner Slesnick: Can we combine like we are doing, prohibit all exterior construction, including demolition, pile drivers, music on construction sites over so many decibels, is that what you wanted?

Commissioner Keon: Yes.

Commissioner Slesnick: On Saturdays, Sundays and holidays so it's all combined into one.

Mayor Cason: Yes, you can put the noise something factual in there.

Commissioner Lago: And also again, also I would like to see on Second Reading when we come back, maybe just a simple, don't go crazy, a very simple plan on how we are going to disseminate this information. Are we going to put it on the actual permits that people fill out? because again, Code Enforcement they are going to have to be going from job site to job site educating people that they should not be working on exterior.

Deputy City Attorney Ramos: And so there are two things that I mentioned, I'm glad that you brought that up. If you look at Section 7, it says that within 30 days of the adoption of the ordinance the City shall place signs in all relevant departments advising of the ordinance and shall include the ordinance's language in all relevant permits, and also place an educational piece in E-NEWS or any other similar publication; and then there is also a delayed enforcement method like we do with polystyrene, so March 17th assuming it goes for Second Reading in December, we'll be educating...and then its warnings up until three months after that.

Mayor Cason: City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 3:16:16 p.m.]