

12.10.08 Verbatim Excerpts of PZB
Meeting Minutes

Exhibit

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2 CHAIRMAN KORGE: That's a good
3 plan.
4 The first item we will take up
5 today is Item Number 7 -- oh, excuse me,
6 before we do that, we have approval of
7 the minutes from the meeting of November
8 12th, 2008.
9 MR. BEHAR: Motion to approve.
10 MR. AIZENSTAT: Second.
11 CHAIRMAN KORGE: Motion and a
12 second. Any discussion or corrections?
13 Hearing none, we'll take a vote.
14 MS. MENENDEZ: Robert Behar?
15 MR. BEHAR: Yes.
16 MS. MENENDEZ: Jeffrey Flanagan?
17 MR. FLANAGAN: Yes.
18 MS. MENENDEZ: Eibi Aizenstat?
19 MR. AIZENSTAT: Yes.
20 MS. MENENDEZ: Tom Korge?
21 CHAIRMAN KORGE: Yes.
22 The next item we're going to take
23 up, out of order, is Item Number 7,
24 Zoning Text Amendment, Article 5,
25 Division 16, "Roofs," and Article 8,

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1 "Definitions."
2 Eric, are you going to lead us in
3 this?
4 MR. RIEL: Yes, just very briefly.
5 As you know, the Board, in the
6 past, has had a lot of meetings
7 regarding metal roofs. The Commission,
8 as you probably know, did a 90-day trial
9 period to allow metal roofs in the
10 southern section of the City. They
11 decided, after coming back with a
12 considerable amount of input and
13 discussion, to basically not allow metal
14 roofs within the City, but one thing
15 they did ask us to do, and they did ask
16 on October 14th, is to come back to the
17 Commission with clarification that metal
18 roofs can only be copper metal roofs,
19 and truly a copper roof, not painted or
20 anything of that likeness.
21 So the City Architect and I worked
22 on some language to clarify that, and
23 that's what is before you this evening,
24 and it will go to the Commission on
25 January 10th, basically just adding a

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1 definition and clarification that, you
2 know, it truly would be a copper roof.
3 Copper roofs have been permitted
4 within the City, as far as I know, for
5 probably 10 or 20 years.
6 CHAIRMAN KORGE: Is there a motion
7 to approve the recommendation, or any
8 discussion on the recommendation?
9 MR. AIZENSTAT: Just a question, if
10 I may.
11 When you cross out residences and
12 put it for residential uses, is that
13 because you would consider a duplex or
14 so forth a residential use, and that's
15 why you're changing that language?
16 MR. RIEL: Just to clarify it.
17 That's the current term we use,
18 residential uses. It does indicate, up
19 above, that it's only applicable to
20 single-family.
21 MR. BEHAR: But then what
22 happens -- what happens, for example, in
23 a building that you want to use -- in a
24 commercial building, if you want to use
25 copper roofs?

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1 MR. RIEL: They're only allowed, I
2 believe, in the industrial section.
3 MR. BEHAR: What about that
4 building on Ponce, right on the circle,
5 that has the copper roofs?
6 MR. RIEL: I -- I don't know the
7 answer to that.
8 CHAIRMAN KORGE: Well, this
9 doesn't -- as I read it, it doesn't in
10 any way change the substance of the
11 current section of the ordinance that we
12 would be modifying.
13 MR. RIEL: Right.
14 CHAIRMAN KORGE: So I'm assuming
15 that it won't affect any other
16 allowances for metal roofs that
17 otherwise might be in the Zoning Code.
18 MR. RIEL: Correct. It's just
19 clarification that it's truly a copper
20 roof, remains as a copper roof, is not
21 painted --
22 CHAIRMAN KORGE: Not to be painted,
23 okay.
24 MR. RIEL: -- and no other types of
25 surfaces to be applied to it.

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1 MR. AIZENSTAT: And this has gone
2 through the Legal Department, and the
3 City Attorney and --
4 The City Attorney has approved the
5 language and everything; we're okay with
6 this?
7 MS. HERNANDEZ: Yes.
8 MR. AIZENSTAT: I'll go ahead and
9 move.
10 MR. BEHAR: Second.
11 CHAIRMAN KORGE: There's a motion
12 and a second. Any discussion on the
13 motion?
14 None?
15 Let's call the roll, please.
16 MS. MEHENDZ: Jeff Flanagan?
17 MR. FLANAGAN: Yes.
18 MS. MEHENDZ: Eibi Aizenstat?
19 MR. AIZENSTAT: Yes.
20 MS. MEHENDZ: Robert Behar?
21 MR. BEHAR: Yes.
22 MS. MEHENDZ: Tom Korge?
23 CHAIRMAN KORGE: Yes.
24 Any other one that's --
25 MR. RIEL: If you want to proceed

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1 through 8, 9 and 10.
2 CHAIRMAN KORGE: Okay, let's do
3 that as quickly as we can. If we get
4 bogged down, then we can switch over so
5 that we have Robert -- we don't lose
6 Robert in the middle of the
7 discussion of the --
8 MR. BEHAR: Please.
9 CHAIRMAN KORGE: -- big one.
10 The next one is Item 8, Zoning Code
11 Text Amendment, Article 2, Division 7,
12 "Administrative Decision Makers and
13 Enforcement Officers."
14 Eric?
15 MR. RIEL: The City Attorney's
16 Office is going to present this item.
17 Actually, they're going to present
18 Number 8, 9 and 10.
19 CHAIRMAN KORGE: 8, 9 and 10?
20 MR. RIEL: Yeah.
21 CHAIRMAN KORGE: Well, then -- All
22 together?
23 MR. RIEL: No, separate.
24 MS. ALFONSHIN: Separate.
25 MR. RIEL: We need separate

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1 motions, though.
2 CHAIRMAN KORGE: Okay.
3 MS. ALFONSHIN: The first one is an
4 amendment to Section 2-702, which is
5 City Attorney's appeals. The section
6 only provided for the City Attorney to
7 serve as the final authority on
8 interpretation and implementation of the
9 Zoning Code. It did not find -- it did
10 not have a section on where appeals of
11 the City Attorney's determinations go,
12 and the addition is to review the
13 rulings, any person may take this
14 decision -- any aggrieved party may take
15 the decision by presenting it to the
16 Circuit Court in the manner prescribed
17 by the Florida Rules of Appellate
18 Procedure.
19 CHAIRMAN KORGE: Any discussion,
20 questions?
21 MR. FLANAGAN: I have some
22 questions.
23 I'm trying to understand. The
24 Code, even as it's written today, says
25 that the City Attorney serves as the

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1 final authority with regard to legal
2 issues involving interpretation and
3 implementation of these regulations --
4 MS. HERNANDEZ: Right.
5 MR. FLANAGAN: -- which to me seems
6 to be a modifier as -- rather than
7 saying you're the final authority with
8 regard to or involving interpretation
9 and implementation of these regulations,
10 it says legal issues.
11 MS. HERNANDEZ: Right.
12 MR. FLANAGAN: Is there a
13 differentiation?
14 MS. HERNANDEZ: Yes, what we're
15 trying to accomplish is that what we've
16 seen is a lot of applicants and
17 developers attempting to skip Staff on
18 technical issues and attempting to craft
19 issues as legal issues, to receive
20 rulings from the City Attorney's Office,
21 and then going back to Staff and making,
22 basically, the City Attorney's Office an
23 extension of Staff.
24 We're attempting to circumvent that
25 process, stop them from doing that and