

City of Coral Gables City Commission Meeting
Agenda Item E-3
July 11, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Public Speaker(s)

Maria Cruz

Agenda Item E-3 [1:49 p.m.]

An Ordinance of the City Commission amending Section 105-28 of the City of Coral Gables Code to clarify prohibitions on construction at night and on weekends and holidays and criteria for issuance of special permits, providing for repealer, provision, severability clause, codification, enforceability and providing for an effective date. (Sponsored by Vice Mayor Anderson)

Mayor Lago: Moving to E-3. Vice Mayor.

City Attorney Suarez: E-3 is an Ordinance of the City Commission amending Section 105-28 of the City of Coral Gables Code to clarify prohibitions on construction at night and on weekends and holidays and criteria for issuance of special permits, providing for repealer, provision, severability clause, codification, enforceability and providing for an effective date. The Deputy City Attorney can present the item and I'm pleased to introduce you to Kyra Frank, she's our intern this summer. She's entering second-year student at the University of Miami School of Law, and she also worked with the Deputy City Attorney to draft this amendment to the city code.

Mayor Lago: Congratulations. We're blessed to have you.

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Deputy City Attorney Throckmorton: Good afternoon. I'll ask Kyra to give you a brief overview and then we're available to answer any questions you may have.

Ms. Frank: Hi, I'm Kyra. This is a clean-up of the existing code provision for construction on nights and weekends and holidays with some additional procedural notes for special permits to kind of clarify that process.

Mayor Lago: May I say something Vice Mayor?

Vice Mayor Anderson: Yes, you may.

Mayor Lago: First off, I want to congratulate you. I know that coming before the Commission may not be easy, this is your first time, but I love the fact that you did it with such grace. Congratulations, very well done. Second, I wrote this piece of legislation probably four or five years ago, and I remember when I wrote this legislation I went against my own industry, and I got a call from a lot of the people in my industry in commercial construction and residential construction. I don't do residential, but commercial construction industry; residential telling me, hey Vince, you're going against us, now we can't do work on Saturdays. And it was a very beneficial – we can do construction in the interiors; you just can't do it in the exterior; and it was a very beneficial legislation because it brought a lot of common peace to the residential neighborhoods. Again, you know what, I got a little bit of heat from it from different organizations in the construction and engineering world, but at the end of the day, it ended up working out well. But the reason why I think this is so good today, and I'll tell you why, is because this goes to show you how great our democracy is. This legislation has roots from four, five years ago, can't remember the time when it was done; and the Vice Mayor through the Sunshine today brings something to clean-up and make this even more efficient and make this legislation even better. Thinking outside the box that I had never thought about. So, I just wanted to use that as an example of legislation that was good four, five years ago, still is good, but this makes it better. So, these are the kind of examples that collaboratively, as a Commission, I think we can accomplish a lot more and do some great things on behalf of the city, even if sometimes it even hurts your own pocketbook. Madam Vice Mayor, sorry about that, just wanted to give you credit.

Vice Mayor Anderson: Thank you Kyra for your excellent job of doing a presentation here. There's a first time for everything. I remember being in your position many, many moons ago, and the only way to learn how to do it is doing it. So, thank you for doing that. I brought this because I found that there were areas of confusion. The City Manager's office is fully aware of what the different decibel levels are that are allowed and allowable for special permits, but our Code Enforcement team didn't have an easy reference, because never did put it in the code, and to make sure that we have continuity going forward, I wanted to spell out what those decibel levels were, which are much lower than many of the other decibel levels that are allowed elsewhere in our

code; 55 decibels is basically a conversation type of level of noise at some of these property lines, so we can do low-level stuff. You can do surveying. You can do other types of activities on a property that are not going to disturb the neighbors. The other area that I found that there was confusion was with our development community is, well, it only applied to single-family homes. Well, it doesn't. And so, we spelled out more clearly in here that this deals with multi-family residential areas, as well as mixed-use areas that you're not allowed to have levels noise beyond 55 decibels or 60 decibels or 65 depending on the use for special permits, and a special permit is at the discretion of the City Manager's office. The City Manager can prescribe the route of the traffic to keep the traffic away from single-family homes, so you don't have the trucks backing up and beeping and so forth on the weekends. You can go down U.S.-1 as opposed to down Sunset Drive, things of that nature. So, I found that this clean-up was necessary, and I hope that it brings clarity for Code Enforcement as well as our residents. Its not an expansion of the noise levels at all.

Mayor Lago: Thank you very much. If there is no other comment, I'll entertain a motion.

Vice Mayor Anderson: I'll move it.

Commissioner Menendez: I'll second.

City Attorney Suarez: Mayor, this is a public hearing item.

Mayor Lago: Do we have any public comment.

City Clerk Urquia: Yes, Mr. Mayor, Maria Cruz.

Vice Mayor Anderson: Thank you Ms. Cruz.

Ms. Cruz: Maria Cruz, 1447 Miller Road. This is very dear to my heart, because I have fought some of this over the years. Our understanding as residents was that special permits for construction had to do with emergencies, emergencies. I, because I live so close to the university, have seen emergencies. You know there's a water break, that's an emergency. I have also seen construction workers that only work till 3 p.m., even though they can work till 6. They leave and then they come back later because they couldn't finish the project, because the school is going to open, and they need a special permit. No. Let them do the work on the time that's permitted before they can get special permits, because it doesn't make sense. Maybe they need to have two shifts of people working. I'm not in construction so I don't know how it works, but why would they leave the place at 3 p.m. and I can tell you 3 p.m. was a good time because I was picking up my grandkids at Alexander Montessori and I would see them walking into South Miami to get their cars. So, I know that they do leave before the time. If they can work till 6 o'clock, they should be working till 6 o'clock, 6 o'clock is no problem. Why should they work at midnight, why should

they work early hours as a special permit, because guess what, we didn't have time to finish, and the school is going to open and that's excuses that we've heard. Okay. I know Mr. Iglesias that I've called you at 11 p.m. when they were working on that new building and its called boring, they were opening, digging and we could hear the stuff. You know, come on people. So, my inclination with this is, there should be no working on Sundays, okay, people need to have some time off, okay, and that's what it says on the rules. Sundays and holidays there is no working. I believe what the Mayor was referring, we passed something that work inside was okay because people couldn't hear it, okay. You could paint, you could do inside work, but this business of working outside bringing your big trucks, construction people are not known for having little cars, okay. They bring the big trucks; they park all over the place and they're working. They are not making noise, but how do they come in. They don't come by helicopter. You can hear the big trucks up and down the streets and God forbid if you have a major construction place, the concrete mixers are fun to have driving in front of your house, okay, the whole place shakes. My objection to this is, it doesn't have to do only with the noise. It has to do with the inconvenience that you create when you are in residential neighborhoods, and I thought that was the rule, residential neighborhoods. If its 200 feet or whatever of a residential neighborhood there were limits. If it was in a commercial area, you know what's the big deal.

Mayor Lago: Thank you very much.

Vice Mayor Anderson: That's why we're clarifying it.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: We have a motion.

Mayor Lago: Madam sponsor, anything else.

Vice Mayor Anderson: That's it.

Mayor Lago: For the good of the order.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)

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Mayor Lago: Thank you.