

**City of Coral Gables City Commission Meeting
Agenda Item F-2
January 12, 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
Public Works Director, Glenn Kephart**

Public Speaker(s)

Agenda Item F-2 [2:09:14 p.m.]

Discussion and direction regarding restrictions on concrete buttons in City swales in residential areas.

Mayor Cason: Continuing on the theme of buttons, we'll talk about concrete buttons now.

(LAUGHTER)

Commissioner Lago: Mayor, if I...

Historic Preservation Officer Spain: Man, you're on a roll. You got the kitchens going.

Mayor Cason: You don't have to stay for that one.

Commissioner Lago: Since I have Dona and the City Manager, just really quick, something that I forgot to mention with the applicant of the third phase of the Gables residential project. Have they already proffered what their proposed Art in Public Places will be?

Historic Preservation Officer Spain: I don't believe so, sir.

Commissioner Lago: Okay, I just want to -- and the first phases -- I want to keep a very close eye on the third phase.

Historic Preservation Officer Spain: Okay.

Commissioner Lago: Thank you.

Commissioner Keon: Well, the first phase was the fountain.

Commissioner Lago: Yeah.

Mayor Cason: While I was driving around with Santa, who's here at the dais, Christmas, we noticed a real proliferation of concrete buttons, red flags, poles with reflectors on them popping up all over North Gables. And we've had them along Granada. I've seen more of those. I think it's -- you know, it's unfortunate this is happening because, first of all, it's prohibited by our Code. It's -- you need a permit. It's \$100 fine if you have them. And it's also for not only these buttons, but pyramids. We're seeing some pyramids too, which if you run over them, could be a, you know, liability for the City. But what...

Commissioner Slesnick: (INAUDIBLE) buttons now.

Mayor Cason: They're getting bigger too. And what people are basically saying, that this is mine. It's not; it belongs to the City. They don't achieve any purpose other than that, which is to -- almost like a fire hydrant and a dog. I mean, it's this is my territory, but it really isn't and it belongs to the City. And it doesn't stop cars from parking, but what it does is tell landscape crews and others, park in front of somebody else's house. And people have a party, you got to park somewhere in the City, but if we let this go to the natural extension, you would have the whole city with concrete buttons all up and down the roads. You see how nice it is around the greenways. We don't have them there. You see them -- but you see them more and more and people are basically trying to block off the swales, and that opens up, you know, lots of other implications for allowing things that are not permitted by a permit (INAUDIBLE) by the Code to take place. So, City Attorney, do you have any thoughts on that?

City Attorney Leen: By law, the City controls the swale. The Code grants the City Manager day to day authority over the swale and also grants some authority to the Chief of Police, but it's basically the City Manager. And the Commission can set policy or law or rules related to that. And you know, the concern with these buttons, from a legal perspective, is that if they're not authorized and someone gets -- they cause damage, property damage or someone trips or someone gets hurt, the City could conceivably be liable. Also, you know, the other legal issue is that at this point the Code doesn't allow people to park on swales, except for where -- and that's also through policy of the Administration -- there's -- and tradition of the City -- a sign that says that you can by police order, basically. And so, this is a way that people can get around that by trying to block people from going on their swale. It's illegal. They're not supposed to do that. Now, we do -- the City does have a permitting process for these and it's ultimately up to the Commission whether you would permit this or not. It's completely within the City's discretion what to do with the swale.

Commissioner Slesnick: City Attorney, is there special provisions for people that might live near Venetian Pool or some place? Instead of having those “Do Not Park” signs twice on your lot or something in front of you, have the buttons in those areas where we normally have more traffic or around Congregational Church or....

City Attorney Leen: They’re not -- as far as I know, there are not provisions in the Code. What there are is there’s provisions have been made administratively as a matter of discretion. You could ask for a policy. You could ask the Manager to provide a policy. You could ask the Manager to consider these factors in determining whether to allow buttons or not. Ultimately, you can establish any policy you would like, though it’s not in the Code. The Code says basically that the Manager has authority over the swales.

Mayor Cason: I mean, the buttons wouldn’t accomplish that purpose Presumably, the idea is we don’t want anybody to park there, so the sign does it, and then they can be enforced by police. But a button doesn’t -- I mean, it doesn’t -- it’s not a physical impediment. People will just park over them anyway. So, if you really want to stop people from parking, you probably got to go with the sign. There’s some options, I think -- I was going to ask the City Manager if we decide to enforce the Code on this, what we do about buttons that were placed years ago. Did they have a permit? There are probably a lot of cases where there was no permit; they just put them in. Do we charge them -- let them keep them and put \$100 fine or \$100 permit (INAUDIBLE). What do we do? I mean, I just want to see an end to this growing movement. Everybody sees their neighbors -- I had one next to my house. Somebody just came in and said, oh, started putting a whole bunch of them in.

Commissioner Slesnick: Well, they’re on Granada and Coral Way out on the City’s parkway, right there at the fountain...

Mayor Cason: Right.

Commissioner Slesnick: At the -- one in front of the natural -- not natural, but one of our entranceways over on Coral Way and Granada, and that's City property.

Mayor Cason: This is City property. It belongs to all citizens, not the house that's in...

Commissioner Lago: Adjacent to it.

Mayor Cason: Adjacent to it. But people are moving more creatively now to the little red flags, which are fine if you put sod in, but sometimes they tend to stay forever. Around Merrick's house, you see them in the back and they've been there for years. And then now these much taller things that are coming in. Next, you're seeing people putting the pyramids in and then planting flowers or putting rocks. I mean, we got to put an end to it, I think.

Commissioner Slesnick: I think there was something where if you did pull a permit for having the buttons, they had to be like two feet apart or three feet apart, and sometimes you see them one right next to each other with two inches apart or something.

Public Works Director Kephart: No. There is -- under the County Code that allows for buttons to be placed in swales, they have it specified that they must be four feet apart and two feet off of the roadway. Our -- one of our issues is we do have a -- in our fee schedule, a hundred dollar fine for buttons that are placed illegally in the swale, although our Code isn't really specific about buttons in the Code. Now, we can interpret it, as Craig says, the swale falls under the purview of the City Manager, so we can interpret that they're a hazard, but it doesn't specifically say buttons are allowed, buttons are not allowed. The County says buttons are allowed. We have issued -- we searched and found three permits issued since 2007. I don't know how many since then. We certainly know we have a lot more buttons out there than that, so...

Mayor Cason: So, the vast majority of the buttons do not have a permit to allow them to do it. Then, I guess the question is what do we do about those. And I think, aesthetically, they're ugly.

They -- you know, we talk about clutter of too many signs, for example. There's lot of signs that say "No Dumping," like on South Greenway. Well, nobody dumps there. They probably were put there ten years ago because somebody dumped something. But the proliferation of signs and all of these obstructions to otherwise a, you know, beautiful city, I look at it from the aesthetics and plus the fact that what does it really do. It doesn't impede. It doesn't -- people put them there thinking that it's stopping people from parking. It may stop the landscape trucks, but they're going to park on your yard on your -- what you consider to be your swale. So, the question is, do we allow -- do we give six months for people to take them out. If they had a permit, give them back the permit fee? What do we do? And I'd ask the City Manager for some thoughts.

City Manager Swanson-Rivenbark: And so -- and Public Works manages this program for us, but let me first say that the program will be respectful to our residents. That's what you expect. So, if someone is doing -- has placed buttons in front of their area and they have no City approval, we will send them a letter. We will explain the program, and so we will give them an opportunity to remove them. And if they don't remove them, we will enter in Code Enforcement to that equation. If somebody has received the permit approval in the past and we're rethinking the parameters for that approval, then we would also give them a notice sharing with them that we are revising our program. The cost of a permit is how much?

Commissioner Slesnick: A hundred dollars?

Public Works Director Kephart: No, the fine is a hundred dollars. I'm not sure what the cost of the permit is.

City Manager Swanson-Rivenbark: So -- but I think it's minimal.

Public Works Director Kephart: Yes.

City Manager Swanson-Rivenbark: And so, obviously, we would create a program that alerted them that while they previously received that approval, we have revised the criteria and we would meet with them to see if they still met -- or we'd send a letter. There are those, though, that are close to Venetian Pool, that are close to Merrick House, that absolutely receive a lot of overflow traffic beyond the normal visitor of a neighbor, and I think that we do want to create some criteria that gives them, either because of safety or by courtesy, some additional protection through the use of something that -- to deter all day long type of frequent parking. But, we would suggest that -- Glenn, you can speak on the process now, but we can develop a memo and share it with you and have you all comment on it on the process that we would propose. But I understand when the Mayor raised the issue, there are a lot of flags that are appearing. There are a lot of buttons that are appearing. And I even had one person who lives in a historic district tell me that the people next door have those buttons and their visitors all park on their swale. So, it's a matter of civility and courtesy in the neighborhood, and I'm sure the button process revised can help address that.

Mayor Cason: Okay, so you'll come back to us then...

City Attorney Leen: Mr. Mayor, one thing, as a matter of law though, it would be useful as part of this policy to have something that says in the Code that if you put buttons on your swale and you don't have the permission of the City Manager through this policy, that they'll be removed, just like we do with everything else that's put in the swale. And then we just go and pick them up and take them and throw them away.

Mayor Cason: And we could help them with that if it's a question of somebody really old and they've been there for a while. We could take them after the appropriate period of time. And I agree that if there's some special case, that they serve some special purpose in a particular area, but to limit it to very specific areas. But the idea if you put them on a curb that it's going to do anything, it doesn't. What happens is these lawn and garden trucks and trailers go by and they go over them anyway, so it doesn't do anything.

Public Works Director Kephart: I think it would be helpful, since as far as I'm aware, it's not explicit in our Code right now other than the fine of a hundred dollars, to probably be explicitly covered since the County allows it. Because if we don't specifically not allow it, the fact that they allow it could be an issue for us. And what we've done from past practice if we get asked for a location where there's buttons, we look at it from a traffic engineering perspective and see if we have a corner that cars are cutting a little bit and we think buttons will help that, maybe an area where it's not appropriate to putting curb for whatever reason. It's a historic district or it just wouldn't fit with the neighborhood, that in those cases, that has been the criteria where we would allow buttons.

Commissioner Slesnick: Glenn, you should look at where traffic's backed up because it's becoming more backed up as the City grows that people do right-hand turns, and that's why the cars are driving over the swale. So, you might look at putting some curbing in at some of those more...

Mayor Cason: I think curbing -- I mean, curbing would actually do something, whereas the buttons won't so...

Public Works Director Kephart: Yes.

Mayor Cason: Well, if you could -- Madam Manager, if everybody agrees, come back with a...

Commissioner Keon: Yeah, I also would like you to look at -- I know that in one of the historic areas we have, somebody was able to have a "No Parking" sign placed in their front yard.

Commissioner Slesnick: You can have "No Parking" signs put up.

Commissioner Keon: Yeah, there's like -- it's in the -- in front of this one particular person's yard, there is a "No Parking" sign, but it's the only -- but it doesn't apply to any other swale other than this one individual's swale. So, although they have achieved the same effort through a sign as opposed to buttons. So, I think you should take a look at those signs also that are done -- they are for that purpose is to prevent anyone ever from parking in their swale.

Mayor Cason: And then just take a look -- maybe your recommendation as to these "No Dumping" signs because the people that dump don't care whether there's a sign there or not. And the fact all those signs have been there at least five or six years that I've seen them and there's never been any -- so why do we have them?

Commissioner Slesnick: Maybe look at all the signs and see if they're necessary. One other thing while we're talking about yard people, are there rules and regulations in Coral Gables for people to bring these big trucks in and park in the street or...

Vice Mayor Quesada: We discussed this in our last...

Commissioner Lago: It's funny you mention. I have two points that I was going to bring up during the...

Commissioner Slesnick: Okay, you can bring them up.

Commissioner Lago: No, no, no, but it has to do with yard. It has to do with blowers. It has to do with the issue of waste removal. You want to have this and also bring the trucks...

Commissioner Slesnick: On your workshop?

Commissioner Lago: No, no, no, at the end of the meeting today.

Commissioner Slesnick: Okay.

Commissioner Lago: (INAUDIBLE) discuss because I've also wondered the same thing. You drive by and you see two or three cars parked in the middle of the street. You know, that...

Vice Mayor Quesada: Well, we're discussing it right now. A few months ago or like a year or two years ago, we had this conversation and the conversation was whether we should allow the trucks to come in to do the yard work and park and block traffic in the middle of the day.

Commissioner Lago: Okay.

Vice Mayor Quesada: That's what ends up happening. The conversation we had, we decided not to change anything -- I guess, this is when you and I -- when they weren't elected at the time. But, we decided to leave it the same because if you don't allow the trucks, then you put the onus -- you put the burden on the property owner to have all the refuse, you know, all the tree, the trimmings. Two things would happen. Unintended consequences is it would be more expensive to cut your yard waste because they wouldn't be able to leave their trucks there, number one. And number two is what would happen to all that -- they wouldn't be able to transport it out of there if they didn't have trucks.

Commissioner Lago: Yeah, but there's...

Mayor Cason: The other thing, too, is with our...

Vice Mayor Quesada: That's the conversation we had. I guess it was two and a half years ago.

Mayor Cason: And with our tree succession plan, we're having trees put in a lot of the areas where the trucks used to pull in. So, as a practical matter, it's going to be harder and harder as they get these big monster things. There's no place for them to park.

Commissioner Lago: Well, in reference to the issue of waste removal -- and when I mean waste removal, organic matter, I think that adjacent municipalities to ours force the resident to not use some sort of like -- we're one of the few cities that has like a dumping area, which again, to me, I think there has to be -- we have to analyze that with greater depth because I would prefer to have -- to maybe pay an extra five dollars and have the individual who cuts my yard take whatever tree clippings with him or her.

Commissioner Slesnick: Oh, it's much more than that though.

Commissioner Lago: But that's number one. Number two, another thing I just want to bring up that we can discuss in the future is the issue of have you seen what they do with the blowers? They basically blow the clippings into the neighbor's yard. And I'm just thinking to myself...

Mayor Cason: It's fertilizer.

Commissioner Lago: How does that make any sense? I mean, sometimes I sit in my driveway and I'm looking at the person cutting the yard down the block and I'm like, you just blew that into the neighbor's yard. There has to be something where we educate the individuals that enter our City that that's not allowed.

Mayor Cason: Well, one of the ways to handle huge amounts of it is -- you're only supposed to have a cubic yard. You get paid -- we really do enforce -- if you have huge piles and you prefer to have your person leave it there for the City to pick up, then you're supposed to pay if it's more than one cubic yard.

Commissioner Lago: But why can't we take a look at to see what Pinecrest does in reference to the removal of the organic material by the individual who cuts your yard to see what -- to see -- because, again, the City would be saving money and we can pass those savings on to the

residents. Say, okay, maybe you're paying an extra five or ten dollars, we'll pass those savings on to you.

Commissioner Slesnick: It is -- it would be great too. I was just thinking the other day because so many people bring up the trash piles. And the reason we have the pits is because somebody on North Greenway put out there -- the trash was picked up Friday morning and they put it out Friday at like noon, a huge four foot by four foot high pile, which stays there until the next Friday. So, maybe we should look at if we are going to keep using the trash piles on the parkways, think about allowing you within 24 hours of when the pickup is instead of...

Commissioner Keon: It's supposed to be.

Commissioner Slesnick: No, well, not for the green stuff.

Commissioner Lago: The green stuff, that can be any time.

Commissioner Slesnick: The cardboard boxes or whatever you're trying to recycle or extra trash can go on 6 o'clock the night before, but people put out lawn debris at any time. And so, you have these big palm fronds -- we keep ours on our side yard and then bring it out the night before, and that's what people should do, I guess, because then you don't have this unsightly pits in your front yard from the limbs decaying like sod underneath.

Mayor Cason: Well, we have that program is the pits are being replaced by asphalt, which doesn't -- you don't have the huge holes. A lot of people do it themselves or hire somebody, an individual, not a company, don't have any option what to do with that other than don't put it all out at the same time. So, it's worth another discussion.

Commissioner Lago: Madam City Manager, would you be so kind just to look into what other municipalities do in reference to blowers and if...

Mayor Cason: We've had...

Commissioner Lago: They have some -- I don't want to -- I'm not talking about getting rid of them. I'm talking about...

Mayor Cason: (INAUDIBLE) do that one again.

Commissioner Lago: No, no, no. I'm not getting -- I'm just saying about having the courtesy of not blowing your clippings into your neighbor's yard. I mean, that's just standard protocol. And number two, what are the adjacent municipalities doing about green vegetation that instead of sitting for an entire week at the pit could be hauled away by the individual that cuts the grass.

City Manager Swanson-Rivenbark: Absolutely. We have some best practice cities that we look at all the time. We'll look at it from that standpoint. I know that Public Works has spent already some good research on it, and we'll pull that together.

Mayor Cason: I think the only way you could ever educate these people that work for these companies is if somehow we knew -- I mean, these companies probably don't have Coral Gables business licenses.

Commissioner Lago: But don't they have to?

Mayor Cason: Well, they're supposed to, I think.

Commissioner Keon: The lawn maintenance folks?

Mayor Cason: Did any of these -- we were discussing this in general, companies that do work that have vehicles with no names on them. They come in and do work and...

Vice Mayor Quesada: You know what's happening.

Commissioner Lago: Let me tell you what they do in the City of Miami. In the City of Miami, it's very simple. If you're a contractor, once a year -- it's a very simple process -- you have to go down to the City of Miami or you have to -- I think you can do it over the phone or over the computer. You have to provide the insurance as requested, and you have to pay a twenty-five dollar fee. And that basically updates your license with the City of Miami. How does it usually occur? You have to pull a permit for a job, your license -- not your license, but your -- kind of your background information, your file has expired, they won't let you pull a permit until you pay that twenty-five dollar fee and proven that you have the necessary insurance. We should have in place anybody that wants to do business as a landscaping company should pay five dollars, two dollars, whatever it may be so that when we need to get in touch with them, we know that they have the proper insurance. We know that they're conducting themselves, you know, in the proper measures, whatever.

Mayor Cason: And that's an opportunity when they come in...

Commissioner Lago: To hand them information, educate them.

Mayor Cason: To hand them information about blowers and everything else and (INAUDIBLE)...

Commissioner Lago: I'm not asking for more fees. I don't want fees literally, but two bucks, five bucks, something that when they're going to -- that they got to come every single year and they got to renew that for five -- it's happening already in the City of Miami in regards to contractors.

Mayor Cason: Okay, so you'll come back to us in terms of...

City Manager Swanson-Rivenbark: Absolutely.

Mayor Cason: The buttons and some options.

City Manager Swanson-Rivenbark: Yes.

Public Works Director Kephart: Could I ask for just a clarification on the buttons? And we're going to look at making the Code more specific.

Mayor Cason: Very specific.

Public Works Director Kephart: What we do going forward and what we do with what we have from the past. Understanding that, are you amenable to, in certain circumstances, if for traffic engineering or some public purpose more than this individual property of allowing them under the authority of the City Manager...

Mayor Cason: If they can make a special case, but I would hope that they'd be very few and far in between.

Public Works Director Kephart: Okay.

Mayor Cason: But to include obstacles on the City's swale, to include flags, poles, buttons.

Commissioner Keon: Even signs.

Mayor Cason: Whatever because people are...

Commissioner Keon: The "No Parking" signs.

Mayor Cason: Very creative and they're looking for -- you see everything. You see flowers along the edge, anything they can come up with.

Public Works Director Kephart: Okay, very good. Thank you.

Commissioner Slesnick: Maybe you could put something like that in our City newsletters too and so forth because, again, like our City Manager said, we need to be so considerate of our residents and they've moved here and they don't know the rules and regulations.

Mayor Cason: Right.

Public Works Director Kephart: Thank you.

Mayor Cason: Thank you.

[End: 2:31:02 p.m.]