

City of Coral Gables City Commission Meeting
Agenda Items E-1 and E-2 are related
December 8, 2015
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
Development Services Acting Director, Charles Wu

Public Speaker(s)

Abby Corbit, Special Counsel

Agenda Items E-1 and E-2 are related [Start: 11:25:48 a.m.]

Time Certain

E-1: An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 4, Division 4 “Prohibited Uses,” by amending Article 5, Division 19 “Signs,” and by amending Article 8 “Definitions;” providing for a repealer provision, severability clause, codification and providing for an effective date.

E-2: An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables by amending:

- Chapter 14, Article III, Section 14-70 “Advertising Sign Requirements;”
- Chapter 62, Article I, Section 62-1 “Sidewalk Advertising using streets or sidewalks for advertising purposes;”
- Chapter 62, Article VI, Section 62-185, “Application, Contents;”

- Chapter 62, Article VI, Section 62-186, “Application Permit Required for Work or Commercial Activities That Obstruct or Close a Public Right-of-Way or Impede Traffic; Permit for Assemblies; Permit for Parades; Prohibitions;” and
- Chapter 105, Article II, Section 105-27 “Condition of Commercial Property;” providing for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Cason: Alright, the 11:30 time certain, City Attorney.

City Attorney Leen: Thank you Mr. Mayor. Items E-1 and E-2, I’ll read into the record now. These are two ordinances on Second Reading, they both relate to the City Sign Code under the Zoning Code and under the City Code. Item E-1 is an Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 4, Division 4 “Prohibited Uses,” by amending Article 5, Division 19 “Signs,” and by amending Article 8 “Definitions;” providing for a repealer provision, severability clause, codification and providing for an effective date. Item E-2 is an Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables by amending:

- Chapter 14, Article III, Section 14-70 “Advertising Sign Requirements;”
- Chapter 62, Article I, Section 62-1 “Sidewalk Advertising using streets or sidewalks for advertising purposes;”
- Chapter 62, Article VI, Section 62-185, “Application, Contents;”
- Chapter 62, Article VI, Section 62-186, “Application Permit Required for Work or Commercial Activities That Obstruct or Close a Public Right-of-Way or Impede Traffic; Permit for Assemblies; Permit for Parades; Prohibitions;” and
- Chapter 105, Article II, Section 105-27 “Condition of Commercial Property;” providing for a repealer provision, severability clause, codification, and providing for an effective date.

Items E-1 and E-2 are being consolidated for the public hearing, but they will need to be voted on separately. In addition, Item I, I will address it now, Item I-2 is the status regarding Ordinance prohibiting hate crimes in Coral Gables. I will just say for purposes of I-2 that we are still working on it and it’s going to come before you probably at the next meeting, so I just wanted to give you that brief status report. So with that I will turn it over to special counsel Abby Corbit, who is here and also Charles Wu, our Development Services Acting Director.

Ms. Corbit: Good morning Mayor, members of the Commission, Abby Corbit from Stearns Weaver, good to see you again. We are here to incorporate some of the changes set forth in the staff report based on the conversation that we had on First Reading. If you had a chance to look at that, one of the things that we've modified is changing the year-round signs from two to one, based on the feedback, and then increasing the bonus signs during certain campaign related periods from one to two. So we sort of flipped that around. We've also added a durational limit of 120 days. It has some practical application issues that we talked about last time, but we went ahead and included it in there; and also we added some language based on Commissioner Keon, Commissioner Lago's comments about speech on someone owns property that may be extortion or liable or obscene or in some other way violate existing valid laws or otherwise not just protected by the First Amendment.

Commissioner Lago: In the language that you put forth, it will give us the necessary ability to take action.

Ms. Corbit: Yes, it says that a sign, it's worded a little bit in the negative, but yes, I think it provides.

Commissioner Lago: That's why I asked you because it has that connotation.

Ms. Corbit: It is. It does. It's worded that way intentionally, Craig and I feel pretty comfortable that we'll be able to use it in the event somebody puts up a sign that isn't protected.

City Attorney Leen: Our codes, the Zoning Code in Coral Gables, if something is not permitted, its prohibited.

Ms. Corbit: Right.

City Attorney Leen: So if this isn't being permitted then you could be cited for it because you'd be posting something or putting something up that's not legal and it's not legal under Supreme Court precedent, so I feel comfortable with it. One other thing I should say, and I meant to say this at the beginning is, this Sign Code change is not a comprehensive change to the Sign Code. The purpose of the Sign Code change is to address a Supreme Court case that recently came out,

and in my view the City's required to adopt these provisions in order to be in full compliance with the Supreme Court case. As we mentioned to you previously, the Supreme Court case has not been fully interpreted yet by Circuit Courts of Appeal, so as those cases come out it may require us to change it further.

Ms. Corbit: One other comment based on our conversation on First Reading that I want to clarify. Section 1909 governing temporary non-commercial signs, just to be clear, that's temporary non-commercial signs that under Section 1901 do not require a permit. You could still apply for a permit if you wanted a permit non-commercial sign. This is just talking about your typical, call it campaign signs, although it doesn't have to be limited to campaign signs, the people want to put up without having to go through the hurdle of getting a permit.

Commissioner Lago: I think we have a pretty thorough discussion at the last Commission meeting.

Mayor Cason: Right. So, first of all, do we have any speaker cards?- this is a public hearing.

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing.

Commissioner Lago: I'll make a motion.

Mayor Cason: On E-1, Commissioner Lago makes the motion, the Vice Mayor Seconds. City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: And on E-2, motion?

Commissioner Lago: I'll make the motion.

Mayor Cason: Commissioner Lago makes the motion, second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon seconds it. City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you for your efforts.

[End: 11:31:13 a.m.]