

10 13 10 Excerpts of Planning and Zoning Board Meeting Minutes

Exhibit **B**

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1 MR. CARLSON: So when we changed the
2 zoning --
3 MR. BEHAR: So it makes sense to, you know,
4 put it into the UCD and --
5 MR. SALMAN: Yeah, I see this obviously as
6 a housekeeping issue, other than the fact
7 that -- that --
8 MR. BEHAR: I think that would help
9 promote --
10 MR. SALMAN: -- the underlying ownership of
11 the property isn't part of the University of
12 Miami. That's the only issue that I see.
13 MR. BEHAR: I'll make a motion to approve.
14 MR. AIZENSTAT: I'll second it.
15 CHAIRMAN KORGE: Any discussion on the
16 motion? Oh, excuse me. Is there anybody from
17 the public that wishes to speak on this? Well,
18 we've got the motion still on the table, okay.
19 Any discussion on the motion?
20 Hearing none, we'll call the roll, please.
21 MS. MENENDEZ: Javier Salman?
22 Javier?
23 MR. SALMAN: Because there is no objection
24 from the owners, I will vote to approve.
25 MS. MENENDEZ: Eibi Aizenstat?

1 specifically, Section 5-1404 of our Zoning
2 Code.
3 You have the packet, I believe, that Staff
4 has provided for you. I'll briefly go over the
5 packet with you. Attachment A, the purpose for
6 this text amendment. In order to achieve
7 better clarity of this particular section, the
8 Code Enforcement Division recommends amendments
9 to the language used to cite for vehicles
10 parked on unapproved surfaces, specifically, on
11 private property.

12 At our Code Enforcement ticket hearing,
13 which is held monthly, attorneys specifically
14 have been challenging the wording of the Code.
15 The word vehicle is missing in the Code, and it
16 does not -- and also does not specify that a
17 vehicle cannot park on the grass on private
18 property. Because of the missing language, the
19 hearing officer has been throwing out cases.

20 Right below is a proposed amendment, which
21 would just be subsection C, and it would be as
22 following: "Parking of vehicles on any surface
23 on private property other than the
24 aforementioned surfaces shall be prohibited."
25 I'll repeat it one more time, just to make

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1 MR. AIZENSTAT: Yes.
2 MS. MENENDEZ: Robert Behar?
3 MR. BEHAR: Yes.
4 MS. MENENDEZ: Jeff Flanagan?
5 MR. FLANAGAN: Yes.
6 MS. MENENDEZ: Tom Korge?
7 CHAIRMAN KORGE: Yes.
8 Our final item on the agenda is a
9 proposed City-initiated amendment to Zoning
10 Code, Article 5, Division 14, entitled
11 "Parking, Loading and Driveway Requirements."
12 MR. RIEL: Mr. Chair, what this is, this is
13 a request for a change in the Zoning Code that
14 was identified by the Building & Zoning
15 Department, more specifically, the Code
16 Enforcement Department, relative to some
17 actions on the Code Enforcement Board.
18 So I'll turn it over to Eli Gutierrez.
19 He's the Code Enforcement Lead for the City.
20 MR. GUTIERREZ: Good evening, Mr. Chairman,
21 Members of the Board. For the record, my name
22 is Eli Gutierrez, City of Coral Gables Code
23 Enforcement Lead. I'm here tonight requesting
24 an amendment be made to Article 5, Division 14,
25 "Parking, Loading and Driveway Requirements,"

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1 clear. "Parking of vehicles on any surface on
2 private property other than the aforementioned
3 surfaces shall be prohibited."

4 Attached in your packet is the ordinance
5 and the proposed change. Also, we have some
6 photos determining the violation, which is
7 Attachment C. Page 1, you see, if you're
8 following with me, the vehicle parked on
9 private property on the green space, on green
10 grass. That is illegal in our Code. Page 2
11 also shows the same, private property, parked
12 on grass. Page 3 shows what we do allow in the
13 City, parking on our swales. As long as it's
14 very clear for anybody listening out there, as
15 long as there's a no parking sign, you can
16 park, and you cannot block a sidewalk. That is
17 a parking issue which Code Enforcement is also
18 certified to cite for that. So Page 3, that is
19 an allowable parking on our swale. Page 4 is
20 the same, and the first photo on Page 4, if
21 you're looking at it, it shows a row of
22 vehicles parked on the swale, and that is also
23 allowed.

24 That concludes my quick presentation. I'm
25 open for any questions.

1 MR. AIZENSTAT: I'm glad you gave the
2 examples. They're nice.

3 MR. GUTIERREZ: Yes, sir. I wanted to make
4 sure -- I know I spoke to a couple of you in
5 the last meeting, and I wanted to make it
6 clear, what we allow and what we don't allow.

7 CHAIRMAN KORGE: Well, let me ask you --

8 MR. GUTIERREZ: Yes, sir.

9 CHAIRMAN KORGE: Why? Why, if there's not
10 enough parking for people at their homes, why
11 are you prohibiting them from parking on their
12 grass?

13 MR. GUTIERREZ: On private property.

14 CHAIRMAN KORGE: Yeah. We're talking about
15 their homes, yeah.

16 MR. GUTIERREZ: Well, then, I will give you
17 an example of what a resident would, for
18 example, tell me. "It looks like a used car
19 lot, and you're destroying our grass," on
20 private property.

21 MS. HERNANDEZ: It's always been a Code
22 provision that we have enforced, and only
23 recently have Code Enforcement hearing masters
24 not been enforcing it, but the City has never
25 allowed property owners to park on their grass.

1 that --

2 MS. HERNANDEZ: Right.

3 MR. BEHAR: So, in this case, if they
4 didn't have a sidewalk, it would be legal?

5 MR. GUTIERREZ: It's clear, right. With a
6 sidewalk there, it's clear where you can park
7 and where you cannot park. When there is no
8 sidewalk, the officer will get off, measure it,
9 our right-of-way, and determine what's private
10 property and what's our swale.

11 CHAIRMAN KORGE: Well, let me ask it a
12 different way. If you've got a sidewalk that
13 runs through the public right-of-way, and
14 there's public right-of-way on both sides of
15 the sidewalk, are you saying that you can't
16 park on the public side of -- on the
17 homeowner's side of the public right-of-way
18 because there's a sidewalk there?

19 MS. HERNANDEZ: No, he's saying it's only
20 on private property. That's what the ordinance
21 says.

22 MR. GUTIERREZ: Correct, yes, only on
23 private property.

24 MS. HERNANDEZ: Only private property.

25 CHAIRMAN KORGE: So you could park on the

1 You know, it's only because someone is
2 interpreting it -- and, you know, there is --
3 It makes -- The way that the officer is
4 interpreting it does make sense, so we want to
5 be clear and not have the ordinance vague.

6 MR. BEHAR: But -- I understand.

7 MS. HERNANDEZ: Yeah.

8 MR. BEHAR: But the example you give is an
9 example that they have a sidewalk.

10 MR. GUTIERREZ: Yes.

11 MR. BEHAR: And you could determine,
12 establish where is the swale --

13 MR. GUTIERREZ: That's correct.

14 MR. BEHAR: -- from the private property.
15 What about if you don't have a sidewalk? What,
16 then, is --

17 MR. GUTIERREZ: Well, that's considered our
18 swale.

19 MS. HERNANDEZ: Right.

20 MR. GUTIERREZ: That's considered a swale,
21 and you're allowed to park there, when
22 there's --

23 MR. BEHAR: So, from -- you're going to get
24 off and then determine where the -- you know,
25 where the property line is, and then outside of

1 public property --

2 MS. HERNANDEZ: Right.

3 CHAIRMAN KORGE: -- that is on the other
4 side of the sidewalk?

5 MS. HERNANDEZ: If that exists, they can,
6 yes.

7 MR. GUTIERREZ: Yes, sir.

8 MS. HERNANDEZ: It's public property.

9 CHAIRMAN KORGE: But how would a homeowner
10 determine where the public portion begins and
11 ends? Well, you know where it begins; it
12 begins on the street.

13 MR. GUTIERREZ: Right.

14 MS. HERNANDEZ: Right.

15 CHAIRMAN KORGE: But how do you determine
16 where it ends?

17 MR. GUTIERREZ: Usually --

18 CHAIRMAN KORGE: Do you have to get a
19 survey, to know where you can park?

20 MS. HERNANDEZ: Typically --

21 MR. GUTIERREZ: Yes.

22 CHAIRMAN KORGE: You get a survey?

23 MS. HERNANDEZ: Yes. Typically, people
24 have had surveys on their property, and every
25 time they're refinancing and -- I mean, people

1 know where their private property is.

2 CHAIRMAN KORGE: I don't think that's
3 realistic.

4 MS. HERNANDEZ: We have arguments and
5 debates between residents all the time, they're
6 encroaching with their tree, 32 inches, 12
7 inches, half an inch onto my property -- I
8 mean, you know, I haven't seen that as a
9 problem.

10 CHAIRMAN KORGE: I understand that, but,
11 you know, I can tell you, I've -- I've got
12 surveys on my house, and I don't know where the
13 private and public begins, and frankly, I had
14 some changes, installed some lighting -- you'll
15 remember, Liz, years ago --

16 MS. HERNANDEZ: Yeah.

17 CHAIRMAN KORGE: -- that the City checked
18 off and said it wasn't in the public
19 right-of-way, and it turned out it was in the
20 public right-of-way, so --

21 MS. HERNANDEZ: That's true.

22 CHAIRMAN KORGE: -- it sounds great in
23 theory, everybody should know where their
24 property is, but we don't live in theory; we
25 live in a real world. So, let me again ask the

1 question. How is the City going to determine
2 where the public property ends?

3 MR. GUTIERREZ: The experience of the
4 enforcement officer, to be honest with you.

5 CHAIRMAN KORGE: I know, but how is he
6 going to determine --

7 MR. GUTIERREZ: Also, if I may --

8 CHAIRMAN KORGE: Yes.

9 MR. GUTIERREZ: Also, without having a survey,
10 points of reference for us, sometimes, when we're out in
11 the field, it's looking at utilities.

12 CHAIRMAN KORGE: I'm sorry?

13 MR. GUTIERREZ: Utilities. Where utilities
14 are placed, usually, towards the street, that's
15 our right-of-way. Anything inside the utility
16 is usually private property.

17 CHAIRMAN KORGE: I don't know about that,
18 either. I mean, I --

19 MR. GUTIERREZ: That's basically --

20 CHAIRMAN KORGE: There's so many examples
21 where that's not the case, but go ahead.

22 MR. GUTIERREZ: Well, that's just basically
23 it. One thing is, we're not out there just
24 focusing on this particular issue. As Liz
25 mentioned, one of the reasons why we brought

1 this up, first, Code Enforcement have been
2 citing this for years, way longer than I've
3 been here. However, recently, at our hearings,
4 attorneys have been questioning it, and it
5 started off from our ticket hearing officer,
6 our special master. He's the one -- "I need to
7 take a look at this Code. Don't bring it
8 before me, because it's missing language." And
9 that is where this all originated from.

10 CHAIRMAN KORGE: Any other questions or
11 discussion?

12 MR. FLANAGAN: Yeah. I mean, it may have
13 been interpreted one way for a long time, it
14 might be being interpreted differently now, but
15 it's in front of us now.

16 MS. HERNANDEZ: Right.

17 MR. FLANAGAN: And I've got to tell you,
18 fundamentally, I have a real hard time with
19 somebody telling me what I can and cannot do on
20 my private property. And if I can park on the
21 grass in the public right-of-way, then why
22 can't I park on the grass on my private
23 property?

24 I think Example 3 on Page 2 looks -- and
25 Example 4 on Page 2 -- looks a heck of a lot

1 nicer than Example 7 on Page 4.

2 You're going to allow somebody, or multiple
3 vehicles, to park on their grassy swale, but on
4 my lawn, I can't cross over the sidewalk, onto
5 the property that I own. It's my fundamental
6 property right, and I know, there are some
7 zoning regulations for aesthetic purposes, but
8 if you were going to deny parking on the grassy
9 swale and deny parking on your lawn, maybe I
10 could understand that, because what's good for
11 the goose, as they say, is good for the
12 ganders. But why differentiate between private
13 property and public property? Grass is grass.
14 Maybe that's the clarification that I need,
15 because I don't see a difference between the
16 grass that's on the street side of the sidewalk
17 versus the grass that's on private property.

18 CHAIRMAN KORGE: And not only that, but in
19 a lot of our neighborhoods, there are no
20 sidewalks.

21 MR. FLANAGAN: I don't have a sidewalk in
22 front of my house, and I assume that the
23 property line ends where the front walk ends.

24 MS. HERNANDEZ: Right.

25 MR. FLANAGAN: But I don't have -- It may,

1 it may not. I've never measured it, and I'm
 2 not going to go measure it, and Heaven forbid,
 3 some day I pull too far up and my front tire is
 4 now parked on my property and my rear tires are
 5 parked in what might be public property, and
 6 I'm going to get a ticket.

7 MS. HERNANDEZ: Listen, policy decisions
 8 are made by you and the City Commission, and if
 9 you want to, we can also do away with the
 10 prohibition on campers, and allow boats parked
 11 in the front lawn, because it's a private
 12 property right.

13 CHAIRMAN KORGE: No, that's not -- Liz --
 14 That's not before us.

15 MR. FLANAGAN: That's more of an
 16 aesthetics --

17 CHAIRMAN KORGE: We're talking about
 18 parking on grass.

19 MS. HERNANDEZ: Well, one thing leads to
 20 another.

21 MR. FLANAGAN: No --

22 MS. HERNANDEZ: It's the issue of quality
 23 of life.

24 MR. FLANAGAN: I can park -- well, hold on.
 25 I can have a boat in my yard, as long as it

1 here is minimum housing. The issue that Code
 2 Enforcement is attempting, especially in this
 3 era of the significant number of foreclosures
 4 and abandoned, vacant properties, is issues of
 5 minimum housing standards. They can only apply
 6 the tools at their disposal. It's up to the
 7 Board to decide whether, from a policy
 8 perspective, they want this or they don't want
 9 it. If you feel that it is appropriate for
 10 individuals -- you know, the issue is not the
 11 person who applies common sense and parks, one
 12 day, a vehicle in their front lawn. That's not
 13 the issue. The issue is the individual who
 14 suddenly is acquiring more and more vehicles or
 15 is having more and more friends living and
 16 staying in their property and parking seven or
 17 eight cars on their lawn, and, you know, it's
 18 not an issue of selective enforcement. It's an
 19 issue of giving our Code Enforcement officers
 20 the tools that they need in order to keep
 21 residents such as yourself from complaining
 22 about their neighbors who are allowing their
 23 properties to fall into disarray. That's all.
 24 You know, it's that simple.

25 But if this Board feels that they're going

1 does not come forward of my front facade.

2 MS. HERNANDEZ: Correct.

3 MR. FLANAGAN: But wait, now I'm parking a
 4 boat -- and I'm assuming the boat's on a
 5 trailer, and it's going to be on grass --

6 MS. HERNANDEZ: Right.

7 MR. FLANAGAN: -- on private property.

8 MS. HERNANDEZ: Right.

9 MR. FLANAGAN: I can no longer park my boat
 10 on my private property, because it's parked on
 11 the grass.

12 MR. BEHAR: That would be correct.

13 MS. HERNANDEZ: That is not correct.

14 MR. BEHAR: Why not?

15 MR. AIZENSTAT: Because it relates to
 16 automobiles and vehicles.

17 MS. HERNANDEZ: Is it a vehicle?

18 MR. FLANAGAN: I don't know the definition
 19 of vehicle, what would be considered --

20 MS. HERNANDEZ: It's not a vehicle, you
 21 know.

22 MR. FLANAGAN: Well, what if I own a pickup
 23 truck, and I park the pickup truck on my
 24 side --

25 MS. HERNANDEZ: No, you cannot. The issue

1 too far by citing the issue of vehicles, then,
 2 you know, it's up to the Board and the
 3 Commission to advise where they feel that the
 4 officers are crossing the line.

5 MR. FLANAGAN: I think if we have an issue
 6 of a bunch of cars parked consistently, we may
 7 have a problem with people violating the
 8 residency requirement, and that should be the
 9 way to address it, that maybe there's too many
 10 unrelated people living in one house.

11 CHAIRMAN KORGE: Well, it goes through --

12 MR. SALMAN: I just have a question for
 13 Eli. You don't ticket on the first -- Do you
 14 warn?

15 MR. GUTIERREZ: Of course. We issue a
 16 warning, to educate the resident, and he's
 17 placed on notice.

18 MR. SALMAN: So --

19 MR. GUTIERREZ: I mean, that's another
 20 thing. I mean, as Liz was saying, it's up to
 21 you guys, if you want to agree or if not, but
 22 the Code will still be -- we'll still issue to
 23 Code. It's just a way of clarifying for the
 24 residents, making it -- more educational.

25 MR. SALMAN: The point here, and the way I

1 see the Code, and the intent of the Code here,
 2 is that you park your vehicle on your property
 3 on a paved area, okay, for a specific purpose,
 4 that that's for the movement of the vehicle in
 5 and on your property.

6 The Code now allows you to park on it. A
 7 long time ago, you had to park in the garage
 8 and close the door --

9 MS. HERNANDEZ: Right.

10 MR. SALMAN: -- because the intent here was
 11 that the City was a garden city, and it had a
 12 certain amount of green area. It wasn't meant
 13 to have green area for more parking. It was
 14 meant to have green area for the enjoyment of
 15 everybody else. So it is a quality of life
 16 issue, and it is a quality of life issue for
 17 not just the person living at the house, who's
 18 parking on his grass. It's for the people who
 19 have to live around him, who don't park on
 20 their grass. So, you know, if we say that it's
 21 allowed, then it's a fundamental change in the
 22 concept of what Coral Gables is, as a City.

23 So that's how I see it, and that's why I
 24 think that they should be properly empowered to
 25 enforce that law.

1 would have some mechanism to cite them for an
 2 unkempt yard --

3 MR. SALMAN: What are you going to do?

4 MR. FLANAGAN: -- and it is their -- and at
 5 that point, it's the property owner's own fault
 6 for causing that problem.

7 MS. HERNANDEZ: Typically, when it's on the
 8 right-of-way and homeowners notify the City,
 9 there is a response by the City's Public Works
 10 Department to come out and repair. So we have
 11 a pretty good program --

12 MR. GUTIERREZ: Yes.

13 MS. HERNANDEZ: -- and when it has fallen
 14 by the wayside, I mean, a couple of e-mails by
 15 a homeowner, saying, "Hey, there is a problem
 16 here, the grass has died -- " I mean, I
 17 have -- Our Public Works and our Public Service
 18 Department, they're pretty responsive to that.
 19 So I don't know, you know --

20 MR. FLANAGAN: I remember sitting on a
 21 different board --

22 MS. HERNANDEZ: -- what you're saying about
 23 the right-of-way.

24 MR. FLANAGAN: I remember sitting on a
 25 different board. There were neighbors over --

1 MR. GUTIERREZ: And to follow up with Mr.
 2 Salman's point, let's just say we do it on
 3 private property, going onto the private
 4 property, coming out. It starts destroying the
 5 grass, and now their property now has -- We
 6 have to cite for something else now, minimum
 7 housing --

8 MS. HERNANDEZ: Right.

9 MR. GUTIERREZ: -- because now their
 10 private property is not up to our City Codes.

11 MR. FLANAGAN: But the same thing happens
 12 to the swale, and I remember hearing complaints
 13 constantly about people, drivers of school
 14 buses, especially in the vicinity of the
 15 schools in town -- the school buses and other
 16 drivers that drive up on the swale, they park,
 17 they tear up the dirt, and that becomes -- Then
 18 the homeowner who's adjacent to that gets cited
 19 for failure to maintain. So, at that point,
 20 the homeowner is now responsible for solving a
 21 problem and an unpleasing condition caused by
 22 others, whereas at least if it was on their
 23 property --

24 MS. HERNANDEZ: Right.

25 MR. FLANAGAN: -- I would hope the City

1 MS. HERNANDEZ: Code Enforcement?

2 MR. FLANAGAN: No, School and Community
 3 Relations.

4 MS. HERNANDEZ: Oh.

5 MR. FLANAGAN: Neighbors at one of the
 6 schools, that I won't name, and there were
 7 constant complaints about the school buses and
 8 that neighbors were then the ones who
 9 respond -- They would put a new sod down, give
 10 it a week, give it a dose of rain, then they'd
 11 have to go out and do it again. It was just a
 12 constant problem.

13 MR. GUTIERREZ: I mean, thankfully, around
 14 the City now, there isn't a big complaint-based
 15 issue about our right-of-ways.

16 MR. FLANAGAN: That's good to hear.

17 MR. GUTIERREZ: So that's a good thing,
 18 And we also take into consideration that we
 19 allow them to park on there instead of their
 20 private property. And we would help the
 21 resident if they asked to re-sod it,
 22 definitely, our Public Works and Public Service
 23 Department.

24 MR. BEHAR: You know, really,
 25 fundamentally, I agree with you, but when you

1 look at some of these pictures, you know,
 2 you've got a car -- or you've got a house that
 3 has at least four cars parked in front, you
 4 know? I would hate to be that neighbor across
 5 the street.

6 MR. GUTIERREZ: That's another thing.

7 MR. SALMAN: Yeah, that's who I'm thinking
 8 about.

9 MR. GUTIERREZ: Well, there's obviously
 10 numerous complaints, and you're correct.

11 MR. BEHAR: As much as, yeah, they have the
 12 right to park, but you know what? You know,
 13 the pictures, or Example Number 2, if it came
 14 in to widen up the driveway, I'm sure they
 15 could do it.

16 MR. GUTIERREZ: Yes, sir.

17 CHAIRMAN KORGE: What if they don't have
 18 any swale?

19 MS. HERNANDEZ: What if they what?

20 CHAIRMAN KORGE: Where there's no swale.
 21 At my house, there's no swale. You have a big
 22 tree on one side, and then the City's installed
 23 the circles, so there's now a half a sidewalk
 24 on the other side. There's really -- There's
 25 no other place to park. There's no swale.

1 MS. HERNANDEZ: You mean, that beautiful
 2 house you live in, you're complaining?

3 CHAIRMAN KORGE: And across the street,
 4 there's no parking, because there's a swale
 5 there for another house, and they don't want
 6 parking on that swale.

7 MS. HERNANDEZ: Right.

8 CHAIRMAN KORGE: So what do you do?

9 MS. HERNANDEZ: You tell people not to
 10 visit. No, I'm only kidding.

11 CHAIRMAN KORGE: Yeah. I mean, that's --
 12 The problem is intractable.

13 MR. BEHAR: I'm sure -- I'm sure this is
 14 more than once, you know, commission. I'm sure
 15 these -- this is over and over and over.

16 MR. GUTIERREZ: That's right.

17 MR. BEHAR: You know, you have a party and
 18 people come over, and they're going to park on
 19 the grass, you know.

20 MS. HERNANDEZ: Right.

21 MR. BEHAR: And I'm sure that --

22 MR. SALMAN: And you hope they don't park
 23 on the septic.

24 MR. BEHAR: Yeah, or ruin one of the
 25 sprinkler heads.

1 MS. HERNANDEZ: You pull -- you either have
 2 a special events permit or you have off-duty
 3 police officers for a one-time event at a
 4 house. I mean --

5 CHAIRMAN KORGE: So, if I want to invite
 6 someone over for Christmas, I've got to get a
 7 permit?

8 MR. GUTIERREZ: No.

9 MS. HERNANDEZ: No.

10 CHAIRMAN KORGE: I mean, come on.

11 MS. HERNANDEZ: No, no, no. That's only
 12 for special events.

13 MR. FLANAGAN: Well, they can't park on
 14 your yard.

15 CHAIRMAN KORGE: We've got to live with
 16 these things.

17 MR. SALMAN: That's not what they're
 18 saying. That's not what they're saying.

19 MS. HERNANDEZ: Yeah, that's not what we're
 20 saying, you know. You're going to an extreme.

21 CHAIRMAN KORGE: Yeah, but if I --

22 MR. SALMAN: They can't park on the grass.

23 CHAIRMAN KORGE: If I just have my whole
 24 family over for Christmas, I've got more cars
 25 than I've got capacity --

1 MR. BEHAR: Because they'll come and give
 2 you a warning on that evening. They'll give
 3 you warning.

4 (Simultaneous comments by Board Members)

5 MR. FLANAGAN: And then you're going to get
 6 a ticket, so now --

7 CHAIRMAN KORGE: The next time I -- On
 8 Easter, I get the ticket.

9 MR. FLANAGAN: Now they have to park up and
 10 down the block, and they're going to park in
 11 front of everybody else's home.

12 MS. HERNANDEZ: Not Easter, but Halloween.

13 CHAIRMAN KORGE: Yeah, right.

14 (Simultaneous comments by Board Members)

15 MR. FLANAGAN: Exactly. I mean, I think
 16 Example 1 looks terrific, but what all these
 17 cars are going to do, they're going to go park
 18 on the swale in front of everybody else's home,
 19 and they're going to kill the grass in front of
 20 everybody else's house --

21 (Simultaneous comments by Board Members)

22 MR. FLANAGAN: -- up and down the block.

23 MR. AIZENSTAT: Let me ask you a question,
 24 if I may. The only thing that you're doing
 25 here is inserting the word "vehicle"?

1 MR. GUTIERREZ: Yes, sir.
 2 MR. AIZENSTAT: If we say no, and we don't
 3 approve this, you'll continue to enforce --
 4 MR. GUTIERREZ: That's right.
 5 MR. AIZENSTAT: -- without the word
 6 "vehicle," and then you'll have problems --
 7 MR. GUTIERREZ: Well, we'll take our
 8 chances with our ticket hearing officer. I'll
 9 have to find other ways of --
 10 MR. AIZENSTAT: So my question is, if the
 11 Board feels that this isn't correct, then it
 12 shouldn't just look at inserting the word or
 13 not. It should look at changing that. But I
 14 just don't know if this is the time.
 15 CHAIRMAN KORGE: I agree with you. I mean,
 16 you make a lot of sense, because --
 17 MS. HERNANDEZ: Right.
 18 CHAIRMAN KORGE: -- I mean, absolutely, I
 19 have that fundamental problem. On the one
 20 hand, all you're doing is clarifying the
 21 intent.
 22 MS. HERNANDEZ: Right.
 23 MR. AIZENSTAT: Which makes sense.
 24 CHAIRMAN KORGE: And that doesn't offend
 25 me, to do that, I mean, if you're going to --

1 If that's the intent --
 2 MR. GUTIERREZ: That's basically the
 3 intent.
 4 CHAIRMAN KORGE: -- then, you know, it
 5 should be clear, because we don't want
 6 ambiguity --
 7 MS. HERNANDEZ: Exactly.
 8 MR. GUTIERREZ: Exactly.
 9 CHAIRMAN KORGE: -- in terms of our
 10 ordinance. However, you know, I just think
 11 we're overreaching, the way we're managing this
 12 seeming problem, which really isn't much of a
 13 problem, except --
 14 MR. GUTIERREZ: Well, another thing is, you
 15 don't see the --
 16 CHAIRMAN KORGE: Except in my house.
 17 MR. GUTIERREZ: You don't go and see -- You
 18 don't see the problem that --
 19 CHAIRMAN KORGE: I've never been cited,
 20 but --
 21 MR. GUTIERREZ: If the guys weren't out
 22 there, citing for this, you would see a
 23 different type of Coral Gables, with vehicles
 24 parked all over, all over, everywhere. It
 25 would be a little different. Because the

1 officers are out there, citing for this, is why
 2 we have control. Like Mr. Salman said, it's a
 3 quality of life issue. We live in Coral
 4 Gables, the City Beautiful. That's our
 5 standards.
 6 CHAIRMAN KORGE: Any more questions or
 7 discussion?
 8 MR. AIZENSTAT: No, to me, the way it's
 9 presented before me, for a clarification, I'm
 10 okay with it. If the Board wants to go ahead,
 11 as a whole, and look into it, or ask for the
 12 City to look into it, to change it, that's a
 13 whole different aspect, and I don't think
 14 that's before us at this point.
 15 MR. SALMAN: Well, on the matter before us,
 16 I'd like to make a motion to approve.
 17 MR. AIZENSTAT: I'll second it.
 18 CHAIRMAN KORGE: It's been moved and
 19 seconded. Any more discussion?
 20 Jeff?
 21 MR. FLANAGAN: No. No, I have no
 22 questions.
 23 CHAIRMAN KORGE: Call the roll.
 24 MS. MENENDEZ: Eibi Aizenstat?
 25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ: Robert Behar?
 2 MR. BEHAR: Yes.
 3 MS. MENENDEZ: Jeff Flanagan?
 4 MR. FLANAGAN: No.
 5 MS. MENENDEZ: Javier Salman?
 6 MR. SALMAN: Yes.
 7 MS. MENENDEZ: Tom Korge?
 8 CHAIRMAN KORGE: Yes, with an explanation.
 9 I have a real -- I do have a real problem with
 10 this, and I think it would be -- it would be
 11 good for the Planning Department to take a look
 12 at it and come back, or whoever would look at
 13 it, and come back, maybe, with some
 14 recommendations, maybe not --
 15 MR. AIZENSTAT: The City Attorney?
 16 CHAIRMAN KORGE: But, I mean, obviously --
 17 it's the obvious intent, so I think if that is
 18 the intent, we should make it clear in the
 19 ordinance. That's the only reason I'm voting
 20 yes. That's it, I believe, on our agenda.
 21 MR. RIEL: I've got one other item.
 22 CHAIRMAN KORGE: Okay.
 23 MR. GUTIERREZ: Thank you.
 24 CHAIRMAN KORGE: Thank you very much.
 25 MR. RIEL: Liz, are you going to --

1 MS. HERNANDEZ: Oh, yes. Gentlemen, for
 2 those of you who do not watch television and
 3 work for a living, I want you to know that
 4 yesterday I did announce my retirement from the
 5 City, effective December 31st of this year.

6 MR. SALMAN: I heard.

7 CHAIRMAN KORGE: Congratulations.

8 MS. HERNANDEZ: And after 16 years, it's
 9 time for new adventures and new opportunities.
 10 I'm very excited about it. Thank you.

11 MR. SALMAN: You're not going to come back
 12 before this Board and present a project, are
 13 you?

14 MS. HERNANDEZ: No.

15 MR. SALMAN: Okay.

16 MS. HERNANDEZ: I have a two-year
 17 limitation on representing any adverse
 18 interests before any City Boards, so, you know,
 19 I will absolutely be available to advise you
 20 and counsel you on the quality of life. But
 21 other than that, moving on.

22 CHAIRMAN KORGE: And where are you going?
 23 Are you going to take a job with somebody?

24 MS. HERNANDEZ: I've accepted a position as
 25 shareholder at the law firm of Akerman

1 Senterfitt.

2 CHAIRMAN KORGE: Great.

3 MR. BEHAR: Congratulations.

4 CHAIRMAN KORGE: Congratulations.

5 MS. HERNANDEZ: Thank you very much.

6 MR. BEHAR: We'll miss you tremendously.

7 MS. HERNANDEZ: Thank you, thank you.

8 MR. SALMAN: We will miss you.

9 MS. HERNANDEZ: I have your numbers.

10 MR. RIEL: We know where you live, right?

11 MS. HERNANDEZ: Yeah, and I know where Tom
 12 lives.

13 CHAIRMAN KORGE: Tickets to follow.

14 MR. RIEL: We'll cite you on cars, yes.

15 CHAIRMAN KORGE: Citations to follow.

16 MR. FLANAGAN: Citations.

17 MR. RIEL: Just -- I have one item. I'd
 18 like to ask the Board's indulgence to move up
 19 the November 10th meeting to November 3rd.

20 MR. AIZENSTAT: Say that again, please?

21 MR. RIEL: November 10th meeting, up to
 22 November 3rd.

23 MR. AIZENSTAT: November 3rd?

24 CHAIRMAN KORGE: Well, I guess you need to
 25 just notice everybody and get --

1 MR. RIEL: If anybody has any problem with
 2 that -- I mean, we'll contact you tomorrow, but
 3 if you do, is there any -- I mean --

4 MR. SALMAN: Wednesday, the 3rd? So far,
 5 so good.

6 MR. RIEL: Okay, we'll contact you each one
 7 of you, and obviously, the members who are
 8 not --

9 MR. AIZENSTAT: So, right now -- For some
 10 reason, I didn't even have the 10th on here.
 11 Right now, we have it as the 10th?

12 MR. RIEL: The 10th, yes, but it's about 90
 13 percent for sure it will be the 3rd.

14 CHAIRMAN KORGE: Is it a big agenda, a
 15 small agenda?

16 MR. RIEL: A small agenda. Small, two or
 17 three items. That's all I have.

18 CHAIRMAN KORGE: Okay. I guess we're
 19 adjourned till the next meeting.

20 (Thereupon, the hearing was adjourned at
 21 6:45 p.m.)

1 C E R T I F I C A T E

2

3 S T A T E O F F L O R I D A:

4 S S.

5 C O U N T Y O F M I A M I - D A D E:

6

7 I, JOAN L. BAILEY, Registered Diplomate
 8 Reporter, Florida Professional Reporter, and a Notary
 9 Public for the State of Florida at Large, do hereby
 10 certify that I was authorized to and did
 11 stenographically report the foregoing proceedings and
 12 that the transcript is a true and complete record of my
 13 stenographic notes.

14

15 DATED this 18th day of October, 2010.

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JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037

Expiration June 14, 2011.