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CITY OF CORAL GABLES  
PLANNING AND ZONING BOARD MEETING  
LOCAL PLANNING AGENCY MEETING  
VERBATIM TRANSCRIPT  
CORAL GABLES CITY HALL  
405 BILTMORE WAY, COMMISSION CHAMBERS  
CORAL GABLES, FLORIDA  
WEDNESDAY, JUNE 3, 2009, 6:03 P.M.

Board Members Present:

Tom Korge, Chairman  
Eibi Aizenstat, Vice-Chairman  
Jeffrey Flanagan  
Pat Keon  
Javier Salman

City Staff:

Eric Riel, Jr., Planning Director  
Walter Carlson, Assistant Planning Director  
Scot Bolyard, Planner  
Jill Menendez, Administrative Assistant  
Elizabeth M. Hernandez, City Attorney  
Edward Weller, Planning & Zoning Director  
Martha Salazar-Blanco, Zoning Official  
Kara Kautz, Historic Preservation Officer  
Jim Kay, Project Engineer, Public Works

Also Participating:

Laura Russo, Esq.,  
On behalf of St. Thomas Church & School  
Tucker Gibbs, Esq.  
Joel Arnold  
Roger Walker  
Gary Tarbe  
Chris Cobb  
Thomas Bales  
Vivian Cortinas  
Enia Rivero  
Constance Ryan  
Roger Tobin  
Derek McDowell  
Bill Parker  
Ofelia Chiavacci  
Bruce Brockhouse  
Debbie Augenstein  
Barbara Arnold

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THEREUPON: 6:09:59  
2:00 PM

The following proceedings were had:

CHAIRMAN KORGE: I believe we have  
a quorum, so let's get started. We'll  
start by calling the roll, please.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Here.

MS. MENENDEZ: Robert Behar?

Jack Coe?

Jeff Flanagan?

MR. FLANAGAN: Here.

MS. MENENDEZ: Pat Keon?

Javier Salman?

MR. SALMAN: Here.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Here.

MR. RIEL: Mr. Chair, just for the  
record, Mr. Behar was unable to make a  
flight this evening, and Mr. Coe did  
contact me late this evening and  
indicated that he was very ill and could  
not make it this evening.

CHAIRMAN KORGE: Thank you.

And Pat will probably be here  
shortly. I'm assuming she will be.

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MR. RIEL: Pat indicated she was  
going to be here.

CHAIRMAN KORGE: Okay. I'll take a  
motion for approval of the minutes of  
the meeting of May 13th.

MR. SALMAN: So moved, Mr.  
Chairman.

MR. AIZENSTAT: I'll second it.

CHAIRMAN KORGE: Moved and  
seconded. Any discussion, corrections,  
anything like that?

Let's call the roll on the approval  
of minutes, please.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

The next item on the agenda, Zoning  
Code text amendment concerning the  
Historic Preservation Board's quorum.

MS. KAUTZ: Good evening. Do you

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want to -- Do you want to start or do  
you want me to --

MR. RIEL: No.

MS. KAUTZ: -- describe it?

MR. RIEL: It's your show.

MS. KAUTZ: All righty, then.

Essentially, this Zoning Code text  
amendment seeks to eliminate an  
inconsistency that currently exists in  
the Zoning Code. Under our section of  
the Code, a vote by the Historic  
Preservation Board that ends in a tie is  
automatically remanded back to the  
Historic Preservation Board at their  
next meeting. In cases where the  
non-majority vote happens, a quorum of  
our Board is five out of the nine, and  
five out of any number, so they have to  
achieve five, and if they don't achieve  
a quorum vote, it's treated as a failed  
vote and the applicant is just sort  
of -- they're not denied -- well, they  
are denied, they're not deferred, so  
they're not really given any direction  
in which to proceed. If they're

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1 appealing to the City Commission, the  
2 Commission is left without a fair  
3 decision of what the Board wanted or was  
4 denying or approving.

5 This seeks to eliminate that  
6 inconsistency and bring a non-quorum  
7 vote back to the Historic Board at their  
8 next meeting.

9 MR. SALMAN: So this would  
10 automatically defer the item if there's  
11 no clear majority, one way or the other.

12 MR. RIEL: It brings it back  
13 automatically.

14 MR. SALMAN: That brings this in  
15 parallel, then, to --

16 MS. KAUTZ: Yes.

17 MR. SALMAN: -- the way we do it  
18 here on this Board.

19 MS. KAUTZ: If there's -- And our  
20 vote, like right now, if it's a tie, it  
21 automatically comes back. It doesn't  
22 automatically get appealed to the  
23 Commission, it comes back, and this  
24 would do the same thing.

25 MR. AIZENSTAT: And it doesn't

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1 require any fees, additional fees, or  
2 anything that they have to --

3 MR. KAUTZ: We don't have a fee.

4 MR. AIZENSTAT: Okay.

5 CHAIRMAN KORGE: Well, in looking  
6 at the proposed changes, I didn't quite  
7 read it that way. The way I read it,  
8 maybe I misread it, is that if a motion  
9 lacks a majority vote, then there's an  
10 automatic continuance of the matter.

11 MS. KAUTZ: Right. So --

12 CHAIRMAN KORGE: Well, that means  
13 if a motion fails, then it continues  
14 indefinitely.

15 MS. KAUTZ: Well, the way it  
16 currently is, is a lack of a majority  
17 vote is considered a failed motion.  
18 This would bring it back to the Board at  
19 the next meeting for another vote.

20 CHAIRMAN KORGE: And if it keeps --  
21 at the next meeting, they get the same  
22 lack of a majority vote, meaning that a  
23 majority aren't voting in favor of it --

24 MS. KAUTZ: Right.

25 CHAIRMAN KORGE: -- it keeps coming

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1 back until you get a majority? Is that  
2 what you're suggesting?

3 MS. KAUTZ: No. Well,  
4 theoretically, yes. If there's a  
5 non-majority vote, it means that members  
6 are missing or absent.

7 CHAIRMAN KORGE: But it doesn't say  
8 that.

9 MS. KAUTZ: But a tie vote  
10 indicates that same thing. The tie  
11 vote, it means there's a member absent.  
12 The tie --

13 (Thereupon, Ms. Keon arrived.)

14 CHAIRMAN KORGE: What I'm trying to  
15 say is that the sentence, the change in  
16 the sentence, a tie vote or the lack of  
17 a majority vote shall result in an  
18 automatic continuance of the matter, the  
19 way I understand that, if everybody  
20 voted against the motion --

21 MS. KAUTZ: Uh-huh, then that --

22 CHAIRMAN KORGE: -- it would still  
23 come back.

24 MS. KAUTZ: If everybody -- if they  
25 did not achieve a quorum vote.

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1 CHAIRMAN KORGE: It doesn't say if  
2 there's not a quorum. That's what I'm  
3 trying to say. It just says if there's  
4 a lack of a majority vote.

5 MS. KAUTZ: But a majority vote in  
6 our case is five, which is a quorum.

7 CHAIRMAN KORGE: How many on your  
8 Board?

9 MS. KAUTZ: Nine.

10 CHAIRMAN KORGE: All nine members  
11 show up.

12 MS. KAUTZ: Uh-huh.

13 CHAIRMAN KORGE: All nine members  
14 vote against the motion.

15 MS. KAUTZ: Uh-huh.

16 CHAIRMAN KORGE: What happens to  
17 the motion?

18 MS. KAUTZ: It fails.

19 CHAIRMAN KORGE: It doesn't say  
20 that. That sentence, the way it's  
21 changed, doesn't say that. As I read  
22 it, it says a tie vote or the lack of a  
23 majority vote shall result in an  
24 automatic continuance of the matter to  
25 the next meeting. So, if the vote is

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1 zero to nine, that's a lack of a  
2 majority vote and it's continued. I  
3 think it needs to be rephrased, is all  
4 I'm saying.

5 MS. KAUTZ: That is a majority  
6 vote.

7 MS. HERNANDEZ: Yeah.

8 MS. KAUTZ: If it's nine-zero --

9 MS. HERNANDEZ: I'm sorry, we're not  
10 following you, Mr. Chairman.

11 CHAIRMAN KORGE: Oh, I see. You  
12 mean, the lack of a majority vote either  
13 way?

14 MS. HERNANDEZ: Yeah.

15 MR. SALMAN: Either way.

16 CHAIRMAN KORGE: Gotcha. Okay.

17 MS. KAUTZ: It gives them the  
18 opportunity to come back and achieve --

19 CHAIRMAN KORGE: I understand.  
20 Never mind. I got it. I understand.  
21 Thank you.

22 Any discussion? Questions?

23 MR. AIZENSTAT: Just out of  
24 curiosity, if I may, when motions like  
25 these are given to us or they're

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1 written, who does them? Is it the legal  
2 department or the department head?

3 MS. HERNANDEZ: Motions or the  
4 ordinance amendments?

5 MR. AIZENSTAT: The ordinance, I  
6 apologize. The ordinance amendment.

7 MS. HERNANDEZ: Amendments to the  
8 ordinance, usually it is the department  
9 that is requesting the change or one of  
10 the administrators. From time to time,  
11 we'll do it, if it's a technical -- like  
12 a telecommunications ordinance or  
13 ordinances of that nature, where FCC  
14 rules are involved, then we get involved  
15 and do it.

16 MR. AIZENSTAT: Thank you.

17 CHAIRMAN KORGE: No further  
18 discussion? I'll take a motion to --

19 MR. AIZENSTAT: I'll make a motion.

20 CHAIRMAN KORGE: To approve it?

21 MR. AIZENSTAT: Yes.

22 MR. SALMAN: I'll second it.

23 CHAIRMAN KORGE: Moved and  
24 seconded.

25 Just for the record, Pat Keon has

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1 arrived.

2 Let's call the roll, please.

3 MS. MENENDEZ: Javier Salman?

4 MR. SALMAN: Yes.

5 MS. MENENDEZ: Eibi Aizenstat?

6 MR. AIZENSTAT: Yes.

7 MS. MENENDEZ: Jeff Flanagan?

8 MR. FLANAGAN: Yes?

9 MS. MENENDEZ: Pat Keon?

10 MS. KEON: Yes.

11 MS. MENENDEZ: Tom Korge?

12 CHAIRMAN KORGE: Yes.

13 MS. KAUTZ: Thank you.

14 CHAIRMAN KORGE: Thank you.

15 ~~The next item on our agenda is~~  
16 Application Number 05-09-086-P, a site  
17 plan review.

18 Oh, there you are.

19 MR. CARLSON: Good evening.

20 CHAIRMAN KORGE: Good evening.

21 MS. HERNANDEZ: Good evening.

22 MR. CARLSON: For the record,  
23 Walter Carlson.

24 This is an application for site  
25 plan review which is being submitted by

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1 the Montgomery Foundation. The  
2 Montgomery property is located in the  
3 southern part of the City, in the  
4 general area of the intersection of Old  
5 Cutler Road and Red Road.

6 The Montgomery Foundation conducts  
7 tropical research at that location, and  
8 they're proposing to construct a small  
9 office studio for visiting scientists on  
10 their property. Their property is 120  
11 acres in size, and this would be located  
12 generally in the center of the property.  
13 This is -- the proposed building is a  
14 small building. It would be one story  
15 in height, under 1,000 square feet in  
16 size, and could not be seen from the  
17 perimeter of the property by the public.

18 Staff found that this proposal is  
19 consistent with the Comprehensive Plan  
20 and it does meet all the requirements in  
21 the Zoning Code.

22 Again, this is a relatively small  
23 building, which is centrally located on  
24 the property and couldn't be seen.  
25 There are no variances being requested