

# **City of Coral Gables City Commission Meeting**

## **Agenda Item E-2**

**April 28, 2009**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael “Ralph” Cabrera, Jr.**

**Commissioner Wayne “Chip” Withers**

### **City Staff**

**City Manager, Patrick Salerno**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**City Clerk Staff, Billy Urquia**

**Building and Zoning Director, Ed Weller**

### **Public Speaker(s)**

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E-2 [Start: 10:26:33 a.m.]

An Ordinance amending Chapter 34 of the “Code of the City of Coral Gables” entitled “Nuisances” and in particular Sections 34-1, entitled “Clearing of Land” 34-22, entitled “Failure to Comply; Forms of Notice to Property Owner”, 34-23, entitled, “Cost of Clearing as Lien on Property-Collection, Foreclosure and Sale” by changing the dates upon which a property owner is provided notice upon which to remedy the situation; and providing for severability, repealer, codification, and an effective date.

Mayor Slesnick: E-2 and ordinance on First Reading, Mr. Manager.

City Manager Salerno: An Ordinance amending Chapter 34 of the “Code of the City of Coral Gables” entitled “Nuisances” and in particular Sections 34-1, entitled “Clearing of Land” 34-22, entitled “Failure to Comply; Forms of Notice to Property Owner”, 34-23, entitled, “Cost of Clearing as Lien on Property-Collection, Foreclosure and Sale” by changing the dates upon which a property owner is provided notice upon which to remedy the situation; and providing for severability, repealer, codification, and an effective date. Mayor and Commissioners, staff would like to propose an amendment changing it from three (3) business days to five (5) business days.

Mr. Weller: You may recall that back in August of 2008 this issue was raised and rediscussed again in October of 2008 when Building and Zoning did a presentation on Code Enforcement and procedures, at that point staff went and got together to figure out how we can improve the time to try to get compliance, particularly on these lot clearings or foreclosed properties. During

all those discussions, the consensus was that it would be three (3) days might be the appropriate time; we have since rediscussed and that's what's before you today, the 3 days as opposed to the fifteen (15) days; we have since rediscussed it and done some more research, and I believe that the City Attorneys office raised some issues with regards as to whether that's enough time or not. We are here before you today requesting to maybe modify that to five (5) days as opposed to the three (3) days.

Vice Mayor Kerdyk: Alright, I'll make a motion with the ordinance of the five (5) day recommendation.

Commissioner Cabrera: Second.

Mayor Slesnick: Moved by Mr. Kerdyk seconded by Mr. Cabrera to put the amendment in and make it five (5) days, we haven't actually had a motion on the first thing, but let me ask, is there a consensus to make the item that we are reviewing five days. If there is a consensus, we'll accept the amendment and make it five days. Madam City Attorney I would like for the record for you to explain the importance of five days just briefly.

City Attorney Hernandez: Mr. Mayor, Commissioners, you will recall when this came up the Commission wanted to have staff consider and research considering reducing the time period from fifteen days (15) to a lesser amount because of the condition of some of the properties, and initially we drafted it for three (3) days, we recently concluded our research, and really there were only a couple of communities that had 3 day notices dealing with very imminent life safety issues; matters of this nature were typically the minimum amount that we were able to find was five business days and we believe that, that's appropriate. The Manager raised the concern that when you send out certified mail it takes, you know, sometimes you get it back anyway, so being able to verify the three days was going to be somewhat of a cumbersome process. So we feel more comfortable with the five days, and we think that it will move us forward in trying to achieve better compliance.

Mayor Slesnick: Accept a motion on the main item.

**Vice Mayor Kerdyk: So moved.**

**Mayor Slesnick: Moved by Mr. Kerdyk.**

**Commissioner Anderson: Second.**

**Mayor Slesnick: Second by Ms. Anderson; any other comments.**

**Commissioner Withers: Now is this for occupied/unoccupied homes.**

**Mr. Weller: This would be really for any lot; any lot clearing.**

**Commissioner Withers: So it could be for a vacant lot also.**

**City Attorney Hernandez: Yes.**

**Commissioner Anderson: Anything – that’s good.**

**Mayor Slesnick: Mr. Clerk**

**Commissioner Cabrera: Yes**

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Mayor Slesnick: Yes**

**(Vote 5-0)**

Mayor Slesnick: Speaking of that – vacant lots – Mr. Manager, it seems to me that we have three cleared City blocks in our City, at least three, that may or may not be moving forward with their commercial development, unfortunately for the tax rolls they probably are not moving forward at this time; and there is only so long that I think that we should leave and allow cleared dirt lots to be sitting major parts of our City, and I don’t know what the requirements are right now for the owners of the properties as far, I mean, if they are clean and cleared they are still just dirt and they are surrounded by a construction fence. It seems to me that there may be some way to design a program of incentives for those owners to maybe add vegetation, to make those spaces to almost like public parks, and maybe we can get back to the owners, for instance extended permits and so forth, for them to make those attractive places until the time the economy turns around and they will go back to the planned developments that we had, something; but right now you’ve got some pretty ugly spaces out there.

Commissioner Cabrera: Well the idea to simply beautify them and allow them to serve as a City or a public space really appeals to, certainly appeals to me and it would appeal to the neighborhood that’s affected by this plight.

Mayor Slesnick: Right now permits run a course and they are gone; we know that there are economic challenges right now that developers are sometimes, maybe there’s a way for us to give extensions in return for....

Commissioner Cabrera: That’s one way to do it.

Commissioner Anderson: Type of beautification of the...

Commissioner Cabrera: Just extend the existing permit and not charge again if they’ll beautify...

Mayor Slesnick: Beautify and maintain the lot.

Commissioner Cabrera: It’s a great idea.

City Manager Salerno: I’d be glad to review that. I believe that the City of Naples has recently made some changes in that regard to boost that requirement and address that issue.

Commissioner Anderson: That would be great.

Commissioner Cabrera: Mr. Manager I can actually show you some of those lots that Mr. Slesnick is speaking of, and you'll see how much they lend themselves to what he is suggesting.

Mayor Slesnick: Mr. Clerk did we vote before I started talking?

City Clerk Foeman: Yes Mr. Mayor.

Mayor Slesnick: OK thank you, appreciate it.

[End: 10:33:02 a.m.]