

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-109

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE CITY ATTORNEY AND VICE MAYOR KEON TO CONFER WITH THE MIAMI-DADE COUNTY SCHOOL BOARD PERTAINING TO THE FUTURE TREATMENT OF HISTORIC PROPERTIES WITHIN THE CITY.

WHEREAS, Coral Gables Preparatory Academy, a historic school within the City of Coral Gables, has commenced the replacement of windows without the City's approval and in contravention to City's historic preservation Ordinance; and

WHEREAS, Coral Gables Preparatory Academy is on the National Register of Historic Places and is one of the most significant historic structures that exists in the City of Coral Gables; and

WHEREAS, Historic Preservation Officer, Dona Spain, sent a sample of the original windows to a laboratory which confirmed that the original windows were green in color and obtained cost estimates to replace the windows with historically appropriate windows; and

WHEREAS, the cost estimate to replace all of the windows within the scope of work with historically appropriate replacements is approximately \$1,245,000.00, however, the City only approved an initial budget of \$250,000.00 to assist Miami-Dade County Public Schools (MDCPS) with the cost of replacing the original windows; and

WHEREAS, the City Commission desires to work together with MDCPS to find a solution that honors the historical significance of Coral Gables Preparatory Academy and ensures the future protection of MDCPS-owned historic properties within the City; and

WHEREAS, in conversations with MDCPS staff and in previous disputes with MDCPS, it is clear that MDCPS incorrectly believes that the City's historic preservation and zoning regulations do not apply to MDCPS properties; and

WHEREAS, the Coral Gables Zoning Code, and the City's historic preservation regulations encoded therein are applicable to MDCPS under well-established precedent holding that state agencies, including school boards, are subject to local zoning ordinances, and must appear before local boards and comply with local procedures. See *City of Orlando v. School Board of Orange County*, 362 So. 2d 694, 694 (Fla. 4th DCA 1978)(answering certified question and holding that school boards were subject to municipal zoning ordinances); *The Village of North Palm Beach v. School Board of Palm Beach County*, 349 So. 2d 683, 683- 84 (Fla. 4th DCA 1977); accord *Hillsborough Assoc. Etc. v. City of Temple Terrace*, 322 So. 2d 610, 612 (Fla. 1976); and

WHEREAS, the City Commission wishes to enter into an interlocal agreement with MDCPS detailing how to handle historic properties in the future and requiring MDCPS to provide the City with notice prior to altering any historic properties within the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission directs the City Attorney to negotiate with MDCPS and enter into an agreement pertaining to the handling of historic properties in the future.

SECTION 3. That the City Commission hereby authorizes Vice Mayor Keon to serve as the City Commission's representative in negotiations with the MDCPS on behalf of the City Commission.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTIETH DAY OF MAY, A.D., 2017.

(Moved: Lago / Seconded: Mena)

(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)


(Unanimous: 5-0 Vote)

(Agenda Item: G-3)

APPROVED:


RAUL VALDES-FAULI
MAYOR

ATTEST:


For WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY