

Page 5

1 communication and/or site visit will affect the
 2 Board Member's ability to impartially consider
 3 the evidence to be presented regarding the
 4 matter. The Board Member shall also state that
 5 his or her decision will be based on
 6 substantial competent evidence and testimony
 7 presented on the record.
 8 Does any Board Member have such
 9 communication or site visit to disclose at this
 10 time?
 11 MS. ANDERSON: No.
 12 MR. BEHAR: No.
 13 CHAIRMAN AIZENSTAT: No?
 14 MR. MURAI: No.
 15 CHAIRMAN AIZENSTAT: Hearing none.
 16 Swearing in, everybody who is going to be
 17 speaking tonight, with the exception of
 18 attorneys, if they would please stand up to be
 19 sworn in.
 20 (Thereupon, the participants were sworn.)
 21 CHAIRMAN AIZENSTAT: Thank you.
 22 The next item is the Approval of the
 23 Minutes. Is there a --
 24 MR. BEHAR: I'll make a motion for
 25 approval.

Page 7

1 THE SECRETARY: Rene Murai?
 2 MR. MURAI: Yes.
 3 THE SECRETARY: Venny Torre?
 4 MR. TORRE: Yes.
 5 THE SECRETARY: Maria Velez?
 6 MS. VELEZ: Yes.
 7 THE SECRETARY: Chip Withers?
 8 MR. WITHERS: Yes.
 9 THE SECRETARY: Rhonda Anderson?
 10 MS. ANDERSON: Yes.
 11 THE SECRETARY: Eibi Aizenstat?
 12 CHAIRMAN AIZENSTAT: Yes.
 13 MR. BEHAR: Mr. Chairman, if I may, the
 14 next item on the agenda, I have a conflict.
 15 One of the applicants is a current client of
 16 mine, so there is a conflict there. I'm going
 17 to need to be recused for that item.
 18 But, if it's possible, if we move up the
 19 last item on the agenda, we could move it up, I
 20 could stay for that. If not, I'll recuse
 21 myself at this time.
 22 MR. MURAI: Are you trying to leave early?
 23 MR. BEHAR: I'm trying to leave early. I
 24 don't know how early I'm leaving --
 25 CHAIRMAN AIZENSTAT: Does anybody have an

Page 6

1 CHAIRMAN AIZENSTAT: Robert has a motion.
 2 Is there a second?
 3 MR. WITHERS: Second.
 4 MS. ANDERSON: I have a few corrections.
 5 CHAIRMAN AIZENSTAT: Please.
 6 MS. ANDERSON: Page 94, Line 14, it
 7 references swapping development instead of
 8 swapping elements, E-L-E-M-E-N-T-S.
 9 CHAIRMAN AIZENSTAT: Okay.
 10 MS. ANDERSON: I'm sorry.
 11 Page 94, Line 15, I'll click on that.
 12 MR. MURAI: "Another poor issue"?
 13 MS. ANDERSON: Yeah, "Another pour issue."
 14 Just strike the word "pour."
 15 And, Venny, I was going to bring your
 16 attention to Page 152 through 153, the word
 17 give versus gift.
 18 CHAIRMAN AIZENSTAT: Okay. Any other
 19 comments? No?
 20 Could we please note that they will be
 21 corrected as such on the minutes? Any other
 22 comments? No.
 23 Call the roll, please.
 24 THE SECRETARY: Robert Behar?
 25 MR. BEHAR: Yes.

Page 8

1 objection to moving the item, the last item,
 2 first?
 3 MR. WITHERS: I do. I think Robert should
 4 wait outside until --
 5 MR. BEHAR: Okay. I'll be there. You let
 6 me know --
 7 CHAIRMAN AIZENSTAT: Okay. Let's go ahead
 8 and move the last item up first, please. If it
 9 can be read into the record.
 10 MR. BEHAR: Thank you.
 11 CHAIRMAN AIZENSTAT: Thank you.
 12 MR. COLLER: Item E-6, an Ordinance of the
 13 City Commission of Coral Gables, Florida
 14 providing for text amendments to the City of
 15 Coral Gables Official Zoning Code, by amending
 16 Article 4, "Zoning Districts," Section 4-402,
 17 "Prohibited uses, certain streets;" Article 5,
 18 "Development Standards," Division 7, "Distance
 19 Requirements;" and Article 8, "Definitions," to
 20 create provisions and clarity for retail vape
 21 shops; providing for repealer provision,
 22 severability clause, codification, and
 23 providing for an effective date.
 24 Item E-6, public hearing.
 25 CHAIRMAN AIZENSTAT: Thank you.

1 Mr. Trias.
 2 MR. TRIAS: Mr. Chairman, this is an
 3 amendment to the Zoning Code on a topic that is
 4 not covered by the Code. So it's brand new
 5 information. It deals with regulations for
 6 vape shops. And, basically, there are several
 7 aspects of this. One, there's a definition of
 8 what a vape shop should be. Then there's also
 9 a prohibition of vape shops on Miracle Mile,
 10 Giralda Plaza and Ponce de Leon, and then
 11 there's also some minimum distance requirements
 12 for other vape shops in other places in the
 13 City.
 14 So that's a request of the City Commission
 15 and it was prepared and I'll be happy to answer
 16 any questions.
 17 MR. WITHERS: Can I ask a question?
 18 MR. TRIAS: Please.
 19 MR. WITHERS: What was the reasoning behind
 20 it? Is it a health issue or is it an image
 21 issue? Or what is the issue behind it?
 22 MR. TRIAS: I think it's health mostly, and
 23 probably there's some branding component to it
 24 also, in terms of Miracle Mile and Giralda.
 25 MR. WITHERS: So has there been any

1 municipalities to be more restrictive, which is
 2 being proposed in this particular legislation.
 3 So I believe that the reason that they were
 4 singling out vape shops, because of the concern
 5 that youth are being targeted with these
 6 different flavors. Not that hookah is
 7 necessarily any better. I believe that this
 8 was the issue that was before the City
 9 Commission, and this is what they were
 10 interested in addressing. I think hookah is
 11 something that may be worth looking into, as
 12 well, but this is what the City Commission
 13 wanted.
 14 MR. WITHERS: Well, I would encourage the
 15 Commission to also look at -- if you're worried
 16 about targeting youth with tobacco products,
 17 and, as you know, cigars and shorts are not
 18 regulated, and they're flavored. I mean,
 19 they're much like e-cigarretes anyway, so you
 20 have flavored tobacco products. They're sold
 21 in food stores and in, you know, convenient
 22 stores in Coral Gables, that I think have as
 23 much of an issue in getting youth to smoke as
 24 vape.
 25 MR. COLLER: And I think that it's

1 discussion about hookah or anything like that,
 2 because that is as much, if not more, of a
 3 health issue than these cigarettes?
 4 MR. TRIAS: Yeah. You're right. That's
 5 also an issue, and I think that we tried to
 6 keep it just to vape shops for legal reasons --
 7 I believe that the attorney could explain that
 8 further -- just to, in a very narrow sense,
 9 deal with this topic, but if you have some
 10 other suggestions, certainly we could forward
 11 that to the Commission.
 12 MR. WITHERS: Well, I mean, if it's the
 13 health issue, cigarette smoking in general is a
 14 health issue.
 15 MR. COLLER: I think the issue, and the
 16 reason why it was a concern, was that, and the
 17 whereas clauses do provide some information
 18 about it, that, in fact, it's been found that
 19 these cigarettes, specifically these electronic
 20 cigarettes that have flavors, are specifically
 21 targeting young people, teenagers. And,
 22 actually, the smoking age was increased, as I'm
 23 sure you all may be aware, to 21 now. And, in
 24 fact, there's already existing State Statute
 25 restrictions on distances, but it allows

1 certainly appropriate for this Board, in making
 2 a recommendation on this item, that you
 3 should -- that it should be expanded to any
 4 smoking products, whether they be e-cigarretes
 5 or traditional cigarettes. I think that's an
 6 appropriate jurisdiction for this Board to make
 7 a recommendation.
 8 CHAIRMAN AIZENSTAT: What I'd like to do
 9 is, before we go on, I'd like to find out, is
 10 there anybody from the public that would like
 11 to comment on this? No?
 12 Let's go ahead and close it, and that way
 13 we can go ahead and continue.
 14 Go ahead, please. Chip.
 15 MR. WITHERS: I don't know that I would
 16 want to encompass all tobacco products, because
 17 then you really get into bigger issues, but it
 18 seems, if you can concentrate on those that do
 19 target teens and young people, where the CDC
 20 actually has data showing that Camel Joe and
 21 flavored shisha sweets and colors of packaging
 22 that look like candy entice kids to smoke, then
 23 I certainly would encourage the Commission to
 24 go after tobacco products that do attract kids.
 25 MR. COLLER: Well, I think that's an

1 entirely appropriate recommendation, if you
2 want to make it. The Ordinance does cite to,
3 in the whereas clauses, the Departmental of
4 Health and Human Services issued a report on --
5 specifically on e-cigarettes, that found that
6 indeed youths were being targeted for
7 e-cigarettes.

8 But it's certainly within your purview to
9 suggest to the Board (sic) other tobacco uses
10 you feel that this should be expanded to.

11 MS. ANDERSON: Well, I can give you a
12 little more background, because I've dealt with
13 FDA regulations on this issue, and when you're
14 dealing with products that contain tobacco,
15 traditional cigarettes, where they're being
16 regulated, and the State Statute prohibits, you
17 know, putting them in the machines anymore or
18 where you have a counter access available for
19 youth and children to be easily accessible to
20 those things.

21 The next thing that they recently deemed as
22 being a tobacco product is the flavored
23 products that you're talking about. We're not
24 talking about cigarettes, because they're not
25 allowed to be flavored anymore, but when you're

1 talking about these small cigars, the
2 cigarillos, things of that nature, are the next
3 ones where the FDA has moved forward with
4 removing having a flavor ban. There has been
5 flavor bans that have been passed in various
6 states, and that just prohibits those products
7 from being sold altogether. Florida is not one
8 of them.

9 When you move into what they call ENDS,
10 Electronic Nicotine Delivery Systems, like the
11 juice product that's been predominantly
12 marketed through all of those apps that the
13 kids use and Twitter and things of that nature,
14 the FDA has been a lot slower on the
15 enforcement there, and the nicotine levels on
16 some of those far exceeds what exists in your
17 traditional tobacco product. So I can see why
18 that's a much heightened reason, because you
19 can basically have something that looks like a
20 USB device, that teachers and parents can't
21 identified as being a tobacco product, getting
22 into the schools.

23 So there is a heightened need that I see
24 for discouraging youth from engaging in easy
25 access to these things. They can stick them in

1 their pocket and you'll never know. There are
2 some that don't even smell a bit like a tobacco
3 product.

4 So, I mean, I have some points I want to
5 bring up. I didn't want to take over --

6 MR. WITHERS: No. No. Listen, I had the
7 opportunity to serve on the Tobacco Advisory
8 Council as part of a trustee for the Tobacco
9 Fund --

10 MS. ANDERSON: Right.

11 MR. WITHERS: -- and every quarter, ad
12 nauseam, we had reports on big tobacco spending
13 billions of dollars, and the State of Florida
14 spends 50 million in preventing tobacco
15 programs. Anything we can do at this level, I
16 guarantee you would be embraced wholeheartedly
17 by the coalition.

18 MS. ANDERSON: Right. Right. No, anything
19 that we can do -- and I had some questions
20 regarding point-of-sale material being put in
21 the windows. I understand our hands are a
22 little tied on that. I'd like some more
23 information on that, for us to be able to --
24 within a thousand feet of a school, where the
25 entrances are in various places, not have that

1 point-of-sale material up. Why are we only
2 restricting sale if there's more than 51
3 percent of the store occupied by vape products?
4 It can be occupied by other tobacco products
5 and make a complete store just dealing with
6 tobacco or a combination of food and the vape
7 products and get around the intent of the
8 Ordinance itself, which is discourage the youth
9 from having easy access to these items.

10 And I'd like to expand the definition, as
11 well, into not just the electronic delivery
12 systems, as included here, but also talking
13 about the juice, because the bottles of juice
14 are being sold, as well, and that doesn't
15 require any electronic delivery system. You
16 can put it in a pipe. You can put it in other
17 things.

18 MR. WITHERS: You know, there's even
19 products where nicotine can be like a Listerine
20 tablet on your tongue that --

21 MS. ANDERSON: Yeah.

22 MR. WITHERS: -- or even like a Tic Tac
23 now. Nicotine is delivered in that, as well.

24 MS. ANDERSON: Like a Tic Tac, yes. It
25 absorbs sublingually, yes.

1 MR. WITHERS: So, yeah, I'm all for
 2 expanding that.
 3 MS. ANDERSON: And we don't have any
 4 mention about parks in here. Is there any
 5 thoughts or reasoning as to why we have the
 6 limited scope that we're dealing with here on a
 7 number of areas, such as parks where children
 8 play, teens hang out?
 9 MR. TRIAS: Certainly you could add parks
 10 on Section B, which has religious institution
 11 or school right now. Those are the only two
 12 that we have. So we could add more.
 13 MS. ANDERSON: And --
 14 MR. TRIAS: As far as the 51 percent, that
 15 was at the recommendation of our City Attorney.
 16 It's a standard way to regulate uses; however,
 17 Staff was wondering whether or not to include
 18 also some amount of sales being a part of the
 19 review. So I think, even Staff, was
 20 recommending to expand that definition beyond
 21 the 51 percent.
 22 MS. ANDERSON: Yeah.
 23 MR. COLLER: The problem with sales, and
 24 the reason why I raised the concern about sales
 25 is, you have to be able to -- in enforcement,

1 MR. TRIAS: I mean, I assume that's the
 2 recommendation.
 3 MS. ANDERSON: That would be my
 4 recommendation, and I would lower the amount of
 5 floor space. I mean, if it's 25 percent or
 6 more, to me, that it would be dealing with
 7 electronic juice materials, because they can be
 8 filling it up with other stuff, with hookah,
 9 for instance, or other tobacco products,
 10 cigars, food, and easily get around the intent
 11 of this Ordinance.
 12 MR. BEHAR: I'm not an attorney, and that's
 13 up to you guys and our City Attorney, but are
 14 we getting into any legal predicament that we
 15 could be at risk, the City, by limiting
 16 specifically, not City wide, just those
 17 locations, like Miracle Mile, Giralda, where
 18 you specifically are saying -- you know,
 19 because I don't smoke, I think I have tried one
 20 cigar once and I got sick as a dog, so I don't,
 21 but I know that on Miracle Mile there's a cigar
 22 shop and one on Ponce.
 23 Those have been there for -- the one on
 24 Ponce has been there for 30 years. If we
 25 prohibit cigars, you know, are we going to be

1 be able to get their sales records. That may
 2 be very difficult, very cumbersome, and while
 3 games can be played with floor area, I agree,
 4 but it will be maybe much more difficult to be
 5 able to figure out from sales records exactly
 6 what they are.
 7 I think that it is an enforcement issue. I
 8 don't think it's necessarily a legal problem to
 9 include 51 percent of sales. I just think it's
 10 going to be very difficult for an enforcement
 11 officer to go in, ask for those sales records,
 12 and try to produce them, but that doesn't mean
 13 you can't do it. I'm just saying that that's
 14 one of the practical issues of it.
 15 I think, certainly the Board can recommend
 16 that parks -- the point of the Ordinance is to
 17 not have these things near where children or
 18 children and families congregate. So I think
 19 certainly parks is a very reasonable addition.
 20 CHAIRMAN AIZENSTAT: But are these sales at
 21 parks or are you trying to say within a --
 22 MR. TRIAS: Within a thousand feet. It
 23 wouldn't be allowed within a thousand feet.
 24 MR. COLLER: Right, that a store wouldn't
 25 be within a thousand --

1 exposed legally to any --
 2 MR. COLLER: Well, first, we're not
 3 addressing cigar shops in this regulation.
 4 This is specifically electronic cigarettes.
 5 Secondly, if there were an electronic cigarette
 6 store, and I don't believe that there is one,
 7 then it would become what's called a
 8 non-conforming use. By being a non-conforming
 9 use, it's legal, but it cannot be expanded.
 10 But in this particular case, the streets
 11 that were singled out were areas where the
 12 belief was that families tend to congregate and
 13 that's why they were specifically excluded from
 14 those streets, but, legally, I don't think it's
 15 an issue, because, One, my understanding is,
 16 there are no electronic cigarettes at this
 17 point, but even if there were, they would be
 18 considered non-conforming and would be
 19 permitted.
 20 MR. BEHAR: Legal, non-conforming?
 21 MR. COLLER: Legal, non-conforming.
 22 MR. MURAI: But I think your point is that,
 23 rationally, why would you prohibit vaping
 24 stores on these streets and not prohibit
 25 tobacco stores? I mean, that, logically --

1 unless you want to say that vaping stores are
 2 worse than tobacco stores, and I don't know how
 3 you can possibly make the determination based
 4 on what we know about it.
 5 MS. ANDERSON: Well, based upon --
 6 MR. MURAI: I haven't finished.
 7 MS. ANDERSON: Go ahead.
 8 MR. MURAI: I haven't finished.
 9 So I don't know that that distinction can
 10 be supported legally, that's Number One. And
 11 let me just, my other comments are, why
 12 restrict the number of vaping stores within a
 13 thousand square feet? I mean, are we trying to
 14 restrict competition? What are we trying to
 15 do?
 16 MR. TRIAS: Within a thousand feet of each
 17 other, yes.
 18 MR. MURAI: Of each other?
 19 MR. TRIAS: Yeah.
 20 MR. MURAI: Just to limit competition or
 21 what?
 22 MR. TRIAS: I'm sorry, within a thousand
 23 feet of the religious institution.
 24 MR. MURAI: No. No. Of each other.
 25 MR. COLLER: The rationale for that -- and

1 right, it may be from another age and so on,
 2 but this is not unusual ways of regulating uses
 3 like this.
 4 The whereas clause explained the reasoning,
 5 and they talk about health and the fact that
 6 they are targeted to youth mostly and so on.
 7 So that's the logic.
 8 CHAIRMAN AIZENSTAT: Venny.
 9 MR. TORRE: Yeah. I think some of my
 10 comments were already made, but regarding the
 11 specific areas that you've chosen, so you
 12 started the conversation saying, this may be a
 13 little bit of branding, as well?
 14 MR. TRIAS: I think so, yeah.
 15 MR. TORRE: And it's not stated in the
 16 whereas, where this is mostly health, health,
 17 health. So it goes to the point where, if it's
 18 about families and where people gather, I get
 19 it, but otherwise why not get 8th Street
 20 involved and why not get 57th Avenue? I mean,
 21 there's a couple of places that, to me, you
 22 know, you would logically go, maybe closer to
 23 8th Street, but they're not prohibited.
 24 So if it's only about those places where
 25 family gather or if it's about the visual

1 by the way, that's very common in alcoholic
 2 beverage stores, package stores, the thousand
 3 feet. It's not to limit competition. It's to
 4 avoid a concentration of these types of uses.
 5 So you don't have vape shop, vape shop, vape
 6 pop, vape shop, and that's why you have those
 7 distance requirements for different types of
 8 Zoning regulations.
 9 MR. MURAI: That one doesn't make a lot of
 10 sense, despite what you have just said, you
 11 know.
 12 MR. COLLER: Well, that's why there are
 13 100,000 lawyers in Florida.
 14 MR. MURAI: I think the limitations in the
 15 number of package stores within each other, you
 16 know, go back to the laws of a long, long time
 17 ago. But that's it.
 18 I mean, I also question why you couldn't
 19 have a vaping store near a religious
 20 institution, you know, I don't know -- other
 21 than you said that that's where families
 22 congregate. You know, maybe you should limit
 23 it from a movie theater, maybe, you know.
 24 MR. TRIAS: The language has been used in
 25 Zoning for a long, long time, and you may be

1 aspect of it and not being part of it, I mean,
 2 not being part of -- I'm a little confused
 3 about the specific of just having maybe not
 4 City-wide, why not just make it all City-wide?
 5 Is there a reason why, just vape across the
 6 City, City-wide?
 7 MR. TRIAS: Not allow it anywhere in the
 8 City?
 9 MR. TORRE: I'm just wondering whether that
 10 was even discussed.
 11 MR. TRIAS: I don't think that's possible,
 12 from a legal point of view. I think you need
 13 to allow it somewhere. I mean, maybe the City
 14 Attorney can explain that further.
 15 MR. COLLER: Well, I think, obviously, the
 16 more -- you know, it's like a continuum basis,
 17 the more restrictive that you are, where you
 18 don't allow the use at all, the more
 19 problematic it becomes, from a legal point of
 20 view. So there are certain uses that are
 21 prohibited, but I think that this is a
 22 reasonable regulation that does allow the use,
 23 but it allows it in a restrictive way.
 24 And I think, and I was just trying to look
 25 it up right now, there is actually, in the

1 Florida Statutes, a distance requirement for a
2 thousand feet. It may be schools. I'm in the
3 midst of trying to look that up on the fly
4 while I'm talking to you. But even the Florida
5 Legislature recognizes the need for a distance
6 requirement.

7 MR. TORRE: One last point. I think it's
8 much harder for a vape shop to be paying 55, 60
9 dollars for Miracle Mile than it is paying 25
10 dollars on 8th Street. So if I was going to do
11 a vape shop, the lower rent places are the ones
12 that usually get them, and they all likely to
13 be places that are not restrictive.

14 MR. COLLER: Right.

15 CHAIRMAN AIZENSTAT: When I looked through
16 and I was looking through the whereases,
17 everywhere where I see whereas, it talks about
18 e-cigarette use among the youth, but when I
19 look at your definition, your definition talks
20 about vaper generated electronic devices, it's
21 the way it's structured.

22 How do you handle medical marijuana, for
23 example, that dispenses through -- do you limit
24 those? I mean, there's other restrictions --

25 MR. TRIAS: That's a good point.

1 CHAIRMAN AIZENSTAT: Chip?

2 MR. WITHERS: No. No. I mean, I think we
3 have a huge opportunity, if this door is open,
4 and, you know, we really -- I remember the City
5 banned plastic bags for health -- I don't know,
6 an environment issue. I mean, here's an
7 opportunity to really have this Commission look
8 at how big tobacco encourages youth smoking,
9 and whether it's through e-cigarette, whether
10 it's through hookah, whether it's through, you
11 know, colored packages of cigars that look like
12 Nerds and Airheads or whatever candy is that
13 they -- anything the Commission can do to help
14 stem the tide of that, I think we should
15 encourage them to do so.

16 So I think a comprehensive look -- this is
17 good. I think we can encourage the Commission
18 to go a lot further in expanding it. And,
19 look, CVS got enough pressure that they removed
20 all tobacco products from all of their
21 pharmacies, and if Walgreens did that, you know
22 -- but that's half the battle. So I would
23 encourage the Commission to move forward and
24 expand it.

25 MR. COLLER: I think we'll take a look at

1 CHAIRMAN AIZENSTAT: -- based on that, but
2 how do we look at that? Because your
3 definition is talking about vaping.

4 MR. TRIAS: Medical marijuana is addressed
5 in a separate section of the Code that was
6 drafted some time ago.

7 CHAIRMAN AIZENSTAT: Right. I was present
8 at the time when that was done.

9 MR. TRIAS: I figured you would remember.
10 And I think that's the way that it's addressed,
11 and this is something separate, that deals with
12 vaping. However, it's possible that there
13 could be some overlap. You may be right on
14 this.

15 CHAIRMAN AIZENSTAT: My concern is the
16 definition, the way you've laid it out.

17 MR. TRIAS: Yeah.

18 CHAIRMAN AIZENSTAT: You know, your
19 definition does not speak about -- does not
20 talk about e-cigarettes. Your definition is
21 strictly vaper generated electronic devices.

22 MR. BEHAR: Hookah would fall into that?

23 CHAIRMAN AIZENSTAT: No, because it's not
24 an electronic device.

25 MR. WITHERS: It's fire.

1 the definition, because I'm looking in the
2 Florida Statutes on how they define it, and
3 it's a little bit more robust, the definition,
4 because I'm going to suggest to the City that
5 they take a look at some -- of how the Florida
6 Statutes has defined it, to see if we can --

7 CHAIRMAN AIZENSTAT: Tweak it.

8 MR. COLLER: -- tweak the definition. So
9 we'll take a look at that.

10 MR. TRIAS: I think, for tonight's meeting,
11 the best thing to do is to provide some policy
12 direction, and then we can work closer with the
13 City Attorney, which has crafted most of the
14 language, because we have to stay within the
15 law, but if you give us some direction of the
16 things that you would like to see, that's
17 probably the most useful way to proceed.

18 CHAIRMAN AIZENSTAT: Maria, do you have any
19 comments?

20 MS. VELEZ: Both of them have been covered.
21 I think I'm concerned also about the 51
22 percent.

23 CHAIRMAN AIZENSTAT: Okay.

24 MS. VELEZ: I think it's a little too
25 generous.

1 MS. ANDERSON: A little too, what?
 2 CHAIRMAN AIZENSTAT: A little too broad.
 3 MS. VELEZ: Too generous. 51 percent is
 4 too generous.
 5 MS. ANDERSON: Right. I agree.
 6 CHAIRMAN AIZENSTAT: Basically, Ramon, what
 7 is it that you need from us now going forward?
 8 You've heard our comments?
 9 MR. TRIAS: I think that the comments are
 10 great, and I think that we are able to work
 11 with the City Attorney, again, to refine some
 12 of the expanded views that you have suggested.
 13 I think that's very useful. And if you could
 14 pass it, then we can take it to the Commission,
 15 on First Reading, with the revised language
 16 that uses some of the ideas that you provided.
 17 CHAIRMAN AIZENSTAT: So you're asking us to
 18 pass it with --
 19 MR. TRIAS: With comments.
 20 MR. BEHAR: And if we can add locations,
 21 like this, I would consider, you know, Merrick
 22 Park, which there's a lot of families that go
 23 there. So you really need to think of a bigger
 24 area, you know. And if we're going to do it,
 25 let's do it correctly.

1 would give the Commission some direction as to
 2 how the Board feels.
 3 CHAIRMAN AIZENSTAT: Is there a motion?
 4 MS. ANDERSON: I just wanted to just rattle
 5 off the list of liquid products. You've got
 6 liquid nicotine products, you've got ENDS,
 7 E-N-D-S, that could be added. It's defined by
 8 the FDA. E-juice, vape juice and e-liquid are
 9 all words that are used to advertise these
 10 products, and there are some slang terms that
 11 are being used now that perhaps they would want
 12 to look at, as well. Fog is one of them that's
 13 being commonly used. I'd just invite the City
 14 Attorney to take a look at that.
 15 And, you know, I had some thoughts and
 16 perhaps they can look into, to what extent we
 17 can limit the POS, point-of-sale posters from
 18 being plastered in windows facing the schools
 19 or what they call the poll sign or that type of
 20 advertising for these products outside of these
 21 facilities, within a thousand feet, even if it
 22 is under 25 percent.
 23 MR. COLLER: And there is an issue, and I
 24 sent the case to Rhonda, but there is an issue
 25 with sign regulations that are content based,

1 MR. TRIAS: Yeah. And I'm not ready to
 2 amend the Ordinance right now in detail, but
 3 certainly I'm ready to take your input and work
 4 with the City Attorney.
 5 MR. MURAI: My last comment is, as I said
 6 before, it doesn't make a lot of sense to me to
 7 limit or prohibit vaping stores on these
 8 particular streets and not prohibit cigar
 9 stores. I just don't see that that's
 10 defensible legally, but --
 11 CHAIRMAN AIZENSTAT: Craig, how do you
 12 suggest we proceed with this from the --
 13 MR. COLLER: Well, I think you have a
 14 series of suggestions, I think, that you could
 15 recommend approval with the following suggested
 16 amendments, review the definition, consider
 17 expanding it to parks, consider reducing the
 18 definition from 51 percent to, as suggested, 25
 19 percent. I think that could be part of the
 20 motion.
 21 And did we talk about -- and look at other
 22 areas of the City where families and --
 23 children and families congregate, and, of
 24 course, definitively add parks to that, and I
 25 think that would be a reasonable motion and it

1 which are problematic. You can regulate the
 2 size of the sign --
 3 MR. MURAI: Location.
 4 MR. COLLER: -- location, but when you get
 5 into saying, well, signs that advertise
 6 tobacco, that is the problem.
 7 Now, if you want to look at signs from a
 8 general basis, that we don't want signs in
 9 windows, for example, that's -- that you could
 10 look at, but that would apply to everyone. It
 11 wouldn't just apply to --
 12 CHAIRMAN AIZENSTAT: It has to be uniform.
 13 MR. COLLER: It has to be uniform and it
 14 has to not be content based, but we'll take a
 15 look at that, too. We can certainly put that
 16 in there.
 17 MS. ANDERSON: I asked for it to be looked
 18 at.
 19 CHAIRMAN AIZENSTAT: So is there a motion?
 20 MR. TORRE: I'll make a motion.
 21 CHAIRMAN AIZENSTAT: Venny, we have a
 22 motion.
 23 MS. ANDERSON: I'll second it.
 24 CHAIRMAN AIZENSTAT: Rhonda, second.
 25 MR. TORRE: I think my motion is with the

Page 33

1 comments that have been said by legal counsel
 2 and by Rhonda.
 3 MS. ANDERSON: Yeah, and we have them on
 4 the record.
 5 CHAIRMAN AIZENSTAT: Okay. We have a
 6 motion. We have a second. Any comments?
 7 Call the roll, please.
 8 THE SECRETARY: Rene Murai? Rene?
 9 MR. MURAI: Yes.
 10 THE SECRETARY: Venny Torre?
 11 MR. TORRE: Yes.
 12 THE SECRETARY: Maria Velez?
 13 MS. VELEZ: Yes.
 14 THE SECRETARY: Chip Withers?
 15 MR. WITHERS: Yes.
 16 THE SECRETARY: Rhonda Anderson?
 17 MS. ANDERSON: Yes.
 18 THE SECRETARY: Robert Behar?
 19 MR. BEHAR: Yes.
 20 THE SECRETARY: Eibi Aizenstat?
 21 CHAIRMAN AIZENSTAT: Yes. Thank you.
 22 Robert.
 23 MR. BEHAR: Well, now is my time to leave.
 24 I thought I was going to be here earlier --
 25 MR. WITHERS: There you go. We did our best.

Page 35

1 Commission of Coral Gables, Florida approving
 2 receipt of Transfer of Development Rights
 3 pursuant to Zoning Code Article 3, "Development
 4 Review", Division 10, "Transfer of Development
 5 Rights", Section 3-1006, "Review and approval
 6 of use of TDRs on receiver sites", for the
 7 receipt and use of TDRs for an Assisted Living
 8 Facility referred to as "Belmont Village" on
 9 property zoned Industrial District, legally
 10 described as lots 12 to 31, Block 3, and the
 11 south 7.5 feet of lots 11 and 32, Block 3,
 12 Coral Gables "Industrial Section," together
 13 with that portion of 30 foot platted alley
 14 lying south of the north line of the south 7.5
 15 feet of said lot 11 projected westerly and
 16 north of the south line of said Block 3 (4111
 17 Salzedo Street) Coral Gables, Florida;
 18 including required conditions; providing for a
 19 repealer provision, severability clause, and
 20 providing for an effective date.
 21 Item E-3, an Ordinance of the City
 22 Commission of Coral Gables, Florida granting
 23 approval of a proposed Planned Area Development
 24 referred to as "Belmont Village" pursuant to
 25 Zoning Code Article 3, "Development Review,"

Page 34

1 MR. BEHAR: I'll be waiting outside.
 2 CHAIRMAN AIZENSTAT: All right. Let's
 3 continue the meeting.
 4 Craig, if you would please read E-1.
 5 MR. COLLER: Okay. So this may be a
 6 Read-a-Thon, but we might want to consider,
 7 since they're all connected, that we read them
 8 all in and have one public hearing. You're
 9 going to get tired of hearing my voice, so I'll
 10 give you your choice.
 11 CHAIRMAN AIZENSTAT: Yes, do so. Yeah,
 12 please read them altogether.
 13 MR. COLLER: Okay. So everybody is taking
 14 a break now except me.
 15 Okay. Item E-1, an Ordinance of the City
 16 Commission of Coral Gables, Florida amending
 17 Ordinance Number 2015-08 (As amended),
 18 providing for a substitute public access
 19 easement and new conditions of approval with
 20 respect to the previously vacated alley located
 21 in Block 3, Industrial Section, Coral Gables,
 22 Florida; providing for a repealer provision,
 23 severability clause, codification, and
 24 providing for an effective date.
 25 Item E-2, an Ordinance of the City

Page 36

1 Division 5, "Planned Area Development," for an
 2 Assisted Living Facility referred to as
 3 "Belmont Village" on property legally described
 4 as lots 12 to 31, Block 3, and the south 7.5
 5 feet of lots 11 and 32, Block 3, Coral Gables
 6 "Industrial Section," together with that
 7 portion of 30 foot platted alley lying south of
 8 the north line of the south 7.5 feet of said
 9 lot 11 projected westerly and north of the
 10 south line of said Block 3 (4111 Salzedo
 11 Street) Coral Gables, Florida; including
 12 required conditions; providing for a repealer
 13 provision, severability clause, and providing
 14 for an effective date.
 15 Item E-4, a Resolution of the City
 16 Commission of Coral Gables, Florida granting
 17 Conditional Use approval pursuant to Zoning
 18 Code Article 3, "Development Review," Division
 19 4, "Conditional Uses," for an Assisted Living
 20 Facility referred to as "Belmont Village" on
 21 property zoned Industrial District, legally
 22 described as lots 12 to 31, Block 3, and the
 23 south 7.5 feet of lots 11 and 32, Block 3,
 24 Coral Gables "Industrial Section," together
 25 with that portion of 30 foot platted alley