

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

## **Agenda Item F-1**

**September 23, 2008**

**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, David Brown**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**City Clerk Staff, Billy Urquia**

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

**Roxcy Bolton, Coral Gables Resident**

---

F-1 [Start: 11:46:00 a.m.] - Discussion concerning triangle of visibility - height of hedges

Mayor Slesnick: Item F-1 is my item, and it is a short item at this stage, but this is our ordinance which regulates heights of hedges and triangle of visibility. We have recently had the Code Enforcement Division decide, and by the way take what I say in context Martha, decide to start really enforcing this segment of our ordinance. It is certainly proper for them to enforce our ordinances, and the ordinances do have provisions for triangle of visibility; however, we have neighborhoods that have had plantings and hedges and certain looks for over probably half a century, if not longer. And this aggressive ticketing and aggressive Code Enforcement of this particular provision, and also heights of other hedges and other shrubbery has become very much of a concern to residents. We have heard from a number of neighborhoods, neighborhoods like Hardee Road where there is a certain look to our residences and to their shrubbery; and it has been like that as long as most of us can remember, but all of a sudden we are telling people to take down their hedges. North Greenway Drive that has a certain look our former Mayor, Mayor Valdez-Fauli, has expressed a great concern as to the enforcement of this on North Greenway Drive, the manner in which it has been done and the abruptness of the ticketing after all of this years; and I have to tell you I believe truly that even though we have an ordinance, there has to be an explanation of why a City doesn't enforce something for 30 years or so, or enforces lightly and then all of a sudden within a period of two months enforces very astringently and very aggressively. I had a call from the people who were ticketed on Minorca the other day. We seem to have covered Minorca pretty well; and I mean this is spreading David like kind of a plague; and so we have just gone down Minorca to catch everyone there. I had a complaint from resident who said, look you came out and put a traffic calming circle in the middle of my intersection. You took part of my property to do it, and the last thing I have left now of my pride

and joy is hedges that I have here for 30 plus years; and I have told to take them down 3 feet, which again could be the law, or is the law. I have confirmed that, but the fact is and he is on a corner, so this isn't his driveway. Is a corner, and I can take you to one of the busiest intersections in the City, to a house that has high 10-15 foot hedges on a busy intersection that has not been ticketed. So we are still not getting everyone, and if we get everyone, I am not sure that we are doing the right thing. I am also suggesting to us that we have very grave incongruity in the law. We can't have a hedge next to our driveway more than 3 feet high, but we have permitted pillars next to our driveway more than 3 feet high; and David, you explained to me, well you know you can look around the pillar and you can get a vision this way, but I can assure you that as you back out of a driveway, there is time period when that pillar is going to block your visibility of the sidewalk and oncoming traffic. We permitted those pillars. Now, we have even told somebody to take their pillars down, so after we permitted, we have disagreed that someone once upon a time let people use convex mirrors, to be able to see oncoming traffic or oncoming pedestrians; and I can tell you now that when I moved into my house there were convex mirrors. They disappeared. Someone stole them, but I don't know who allowed them there, who put them there, but we don't have six foot pillars, we have 1926 three foot pillars; and it is still though tough. Anybody that backs out of any driveway or into a street, it is a tough proposition, no matter what is in the area, even if it is vegetation on the swale. So David I would, I don't know how my fellow Commissioners feel, but I have to tell you, I would like to see us back-off the enforcement of this until we have a full discussion and a full hearing of what we are doing here, and why we are doing it, and whether or not it is consistent with our purposes of our City Beautiful; and you know, I think it is also legitimate for the people on these streets to say no one has ran over anybody in 30 years backing out of our driveways. I know it can happen. Guess what?- On North Greenway Drive, David where we are now telling people that chop all of their hedges down, we have people illegally jogging in the street, we have people illegally pushing baby carriages in the street, we have people illegally skateboarding in the street, we have people illegally doing other things in the street; and we don't enforce that, and those people are at risk of getting killed too; but you know what? I am not suggesting that we out and start arresting all of the joggers, the walkers and the mothers with baby carriages and everything else, but I am telling you that life is risky and sometimes there are just inherent risk in running the City. So I am very concerned about this I ask that, I don't know what I am asking, except I said what I am asking, but I don't know.

Commissioner Anderson: Do you need a policy of it? And the enforcement.

City Manager Brown: Let me get back to staff with Ed and Martha and try to make sense of this and see if I can take the concerns of the Commission in play.

Commissioner Cabrera: You are being overly diplomatic and I appreciate it, but I think this is what it boils down to, it boils down to somebody in Code Enforcement just taking a position that they are going to go out there and site anyone and everyone that doesn't meet the triangle of visibility code. I mean really, you have a lot personnel in Code Enforcement at the line level; and you even have a lot of new supervisory personnel; and I think to some extent there may have been some, an overzealous enforcement officer that went out there and said OK, well lets go ahead and make this right, because at the end of the day the Mayor is absolutely correct, triangle of visibility in terms of people getting hurt. In all of the years I lived in Coral Gables, I have

never heard of it, I have yet to hear of it and maybe I am wrong, maybe there are many incidents where someone may have been injured because the car that was reversing didn't see them, but I have just never heard of them.

City Manager Brown: A great deal of the triangle of visibility that we do cite come from complaints from neighbors or people who have had a close call, and they call Code Enforcement and say, hey go out to this address there is a triangle of visibility, and we answer a great deal of those, but I understand.

Mayor Slesnick: Let me tell you a couple of more things, one of our good neighbors, and one of the nicest people of this City, and a Catholic Priest who I guess refuses to not do what he is told to do, went out and changed the entire look of his house, unfortunately by just chopping down the hedges after they came by, and it really ruined the look besides which there is a wall there which affects the triangle of visibility. Anyway so the hedges were only one piece of the component. Secondly, I had a lady call me from Hardee crying. She said she'd just come back from Home Depot where she bought a chainsaw, and she was going to go out and just start chopping away; and I urged her not to. I said stand up for what you think is right, challenge the ticket, do something give us a chance to respond. You may loose in the end, but you know, but she was determined that she had bought this chain saw and now she was going to go change the whole look of Hardee Road with it; and I thought I might have to go down there and restrain her from taking down other people's hedges, but I hope she hasn't done that. David you know I have been complaining to you for two weeks now about us doing something? and it just keeps getting worse.

City Manager Brown: Mr. Mayor we already have started...

Mayor Slesnick: Well I don't what we have done because everyday I get more calls. This call came in yesterday from Minorca.

Commissioner Cabrera: So are you now the triangle of visibility Mayor?

Mayor Slesnick: I guess so, it is probably the Bermuda Triangle. David.

Commissioner Withers: Let me say something, there are some issues in some commercial areas that to me are a lot more frightful. I can tell you one for example is on the Hertz Rental on U.S.-1 just east of the Mobil, coming around the bend of that building there is actually no way that when you pull out of there you can see oncoming traffic, so I have no problem enforcing the commercial areas that go out onto the U.S.-1 and busy intersections and things like that, but residential, I kind of tend to agree with you.

Mayor Slesnick: And you know what I have to tell you something else, we ourselves and I think it was good future planning and so forth, but we ourselves have approved buildings now with colonnades, that go right out to the zero lot line in the street; and if you come, I won't name the buildings, but if you come out to Le Jeune Road and try to look left you will never see left, you have to get out there.

City Manager Brown: I understand what the Commission wants and let me sit down with staff and try to go through that.

Roxcy Bolton: [Off Mic]

Mayor Slesnick: We are not taking testimony on this.

Roxcy Bolton: [Off Mic]

Mayor Slesnick: We are not taking questions on this Roxcy, but Roxcy before you accuse me that I am absolutely a horrible person, go ahead and ask your question.

Roxcy Bolton: Show me on the record where I said that.

Mayor Slesnick: I think I read it in the Gazette.

Roxcy Bolton: You are always giving me a hard time.

Mayor Slesnick: No Roxcy, but we don't have public comments on these things.

Roxcy Bolton: But I raised my hand respectfully.

Mayor Slesnick: That is not. OK. Please.

Roxcy Bolton: Is there an ordinance? Where is the ordinance? and where is it documented that you can push a baby coach in certain areas?

Mayor Slesnick: Roxcy there is only certain things allowed on the public streets of the State, it is not our ordinance, it is State Law, you cannot walk, you cannot push baby carriages, you cannot roller board, you cannot do those things, the one thing that is allowed on the streets of our City and all parts of the State is bicycles. Bicycles are vehicles and they are allowed.

Roxcy Bolton: I doubt very seriously a mother, a woman, a person would push the baby in the main road.

Mayor Slesnick: Well they do that all the time on North Greenway.

Commissioner Cabrera: Ms. Bolton, you know what happens for whatever reason they do go on the main road to push a baby stroller; and there is a perfectly good sidewalk that has curve cuts which allows the strollers to get through very easily but for some odd reason they think it is more convenient to be on the road and you know why I know this Ms. Bolton? Because I ride the Greenway, the golf course on my bicycle; and I am always confronting parents with strollers and baby joggers and roller bladders and skaters and Mr. Slesnick is right, a bicycle is a vehicle in the State of Florida we have the same rights as a car. We just have to abide by the law, just like the cars; and a lot of cyclist do not do that.

Ms. Bolton: And I believe in that and I do abide by the law, but I have never heard of a question pushing the baby coach, it is puzzling to me because when I was driving down Le Jeune Road to turn on here just passed Chip's old building, the developers have taken over the street, they have taken over where you park your car, they have taken over the sidewalks in many areas, so the developers have greater opportunity and freedom than baby coaches, I think.

Mayor Slesnick: Thank you.

Commissioner Cabrera: Thank you.

Mayor Slesnick: David you understand?

City Manager Brown: Yes sir I have plenty of notes.

Mayor Slesnick: I have mostly supported comments from my fellow Commissioners, and I didn't hear any negatives.

[11:58:10]