

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD MEETING
 3 VERBATIM TRANSCRIPT
 4 CORAL GABLES CITY COMMISSION CHAMBERS
 5 405 BILTMORE WAY, CORAL GABLES, FLORIDA
 6 WEDNESDAY, MAY 12, 2010, 6:03 P.M.

7 Board Members Present:

8 Tom Korge, Chairman
 9 Eibi Aizenstat, Vice-Chairman
 10 Robert Behar
 11 Jack Coe
 12 Jeffrey Flanagan
 13 Pat Keon
 14 Javier Salman

15 City Staff:

16 Eric Riel, Jr., Planning Director
 17 Elizabeth M. Hernandez, City Attorney
 18 Walter Carlson, Assistant Planning Director
 19 Scot Bolyard, Planner
 20 Jill Menendez, Administrative Assistant
 21 Martha Salazar-Blanco, Zoning Official
 22 Carlos Mindreau, City Architect

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 CITY OF CORAL GABLES
 PLANNING AND ZONING BOARD MEETING

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: All right, we have a
 4 quorum. Will you call the roll?

5 MS. MENENDEZ: Eibi Aizenstat?

6 MR. AIZENSTAT: Here.

7 MS. MENENDEZ: Robert Behar?

8 MR. BEHAR: Here.

9 MS. MENENDEZ: Jack Coe?

10 MR. COE: Here.

11 MS. MENENDEZ: Jeff Flanagan?

12 MR. FLANAGAN: Here.

13 MS. MENENDEZ: Pat Keon?

14 Javier Salman?

15 Tom Korge?

16 CHAIRMAN KORGE: Here.

17 The first item on the agenda, as always, is
 18 the approval of the minutes from the last
 19 meeting, dated May 12th, 2010 (sic).

20 MR. COE: So moved, Mr. Chairman.

21 MR. BEHAR: Second.

22 CHAIRMAN KORGE: Any discussion, changes,
 23 anything? No?

24 Let's call the roll, please.

25 MS. MENENDEZ: Robert Behar?

3

1 MR. BEHAR: Yes.

2 MS. MENENDEZ: Jack Coe?

3 MR. COE: Yes.

4 MS. MENENDEZ: Jeff Flanagan?

5 MR. FLANAGAN: Yes.

6 MS. MENENDEZ: Eibi Aizenstat?

7 MR. AIZENSTAT: Yes.

8 MS. MENENDEZ: Tom Korge?

9 CHAIRMAN KORGE: Yes.

10 I believe I misstated the date of the
 11 minutes. I stated it was for today, but the
 12 correct date is March 10th.

13 MR. AIZENSTAT: What's wrong with what you
 14 said?

15 CHAIRMAN KORGE: I said May 12th.

16 MR. COE: March.

17 CHAIRMAN KORGE: The next item on the
 18 agenda is some Zoning Code text amendments.

19 MR. BOLYARD: Good evening, Members of the
 20 Board, Chairperson. For the record, my name is
 21 Scot Bolyard, with the Coral Gables Planning
 22 Department.

23 The first item before you tonight is for
 24 three Zoning Code text amendments. The first
 25 is for the reconsideration of City Architect

1 determination. The second is for commencement
 2 of construction for Planned Area Developments,
 3 also known as PADs. And the third is to allow
 4 metal trellises as an accessory use.

5 The first text amendment, reconsideration
 6 of City Architect determination, establishes
 7 time requirements for filing reconsiderations
 8 to administrative determinations made by the
 9 City Architect, and for reconsideration
 10 hearings held by a three-member panel from the
 11 Board of Architects. This amendment adds
 12 language regarding application submittal
 13 requirements for filing reconsiderations. The
 14 proposed amendment will also permit aggrieved
 15 parties to object to decisions made by the
 16 panel of the Board of Architects. Currently,
 17 reconsiderations can only be filed by the
 18 applicant or City Manager.

19 The second text amendment before you is due
 20 to a conflict between sections of the Zoning
 21 Code regarding the commencement of construction
 22 for PADs. Sections 1-111 and 3-505 of the
 23 Zoning Code require PADs to obtain permits and
 24 commence construction within 18 months from
 25 approval and provides for one six-month

1 extension by the Development Review Official.
2 If construction doesn't commence within this
3 time period, then all approvals expire. Zoning
4 Code Section 3-509 states that PAD construction
5 must commence within 365 days from the
6 effective date of the approving ordinance, and
7 this conflicts with the two previously
8 mentioned sections.

9 To provide consistency within the Zoning
10 Code, Staff is proposing to remove Section
11 3-505 and amend Section 3-509 to provide for an
12 18-month time period from the approval date
13 until permits must be obtained and construction
14 must commence, and permitting one six-month
15 extension by the Development Review Official.

16 (Thereupon, Mr. Salman arrived.)

17 CHAIRMAN KORGE: Excuse me for
18 interrupting. For the record, Javier Salman
19 has arrived.

20 (Thereupon, Ms. Hernandez arrived.)

21 MR. BOLYARD: The third text amendment is
22 to allow use of metal as a permitted material
23 for trellises and will add trellises as an
24 accessory use in the Commercial, Commercial
25 Limited, Industrial and Special Use Districts.

1 Currently, trellises can only be constructed
2 out of certain types of wood or composite
3 materials, and they are only permitted as an
4 accessory use within Single and Multi-Family
5 Districts. Trellises are currently not allowed
6 within building setbacks. For example, they
7 can't be in the front, side or rear setbacks,
8 unless the property backs onto a canal,
9 waterway, lake or bay. If the property backs
10 onto one of these, then trellises are permitted
11 in the rear setback only. This is due to the
12 fact that rear setbacks for properties abutting
13 water are greater and will allow freestanding
14 trellises near the water. This provision
15 currently applies to all districts where
16 trellises are allowed as an accessory use and
17 will apply to all of the districts proposed to
18 allow trellises as an accessory use. The
19 amendment will also remove the existing
20 definition of "wood trellis" and provide a new,
21 more appropriate definition for just "trellis."

22 Staff is recommending approval of all three
23 proposed Zoning Code Text Amendments. This
24 concludes my presentation. If the Board has
25 any questions, I'll be happy to answer them,

1 and also the Building & Zoning Department is
2 available to field questions. Thank you.

3 CHAIRMAN KORGE: Anybody from the public
4 want to -- there's no public here -- want to
5 talk about any of these? This would be a good
6 time. Otherwise, I'll either take a motion or
7 a discussion.

8 MR. BEHAR: I've got a question.

9 MR. AIZENSTAT: Go ahead.

10 MR. BEHAR: On the Amendment Number 2, what
11 is the time limitation you have today in place?
12 I mean, what are you proposing to amend it to?

13 MR. BOLYARD: Well, that's the problem.
14 There's actually three sections that cite time
15 limitations for PADs. There's Section 1-111,
16 which applies to all developments, and that
17 provides an 18-month time period for
18 approval -- to obtain the permits from the time
19 that the project is approved, and then they get
20 a six-month extension by the Development Review
21 Official.

22 This language is repeated in Section 3-505,
23 under -- which is the division for Planned Area
24 Developments, but Section 3-509 states that PAD
25 construction must commence within 365 days. So

1 it's one year versus a year and a half, and
2 just to be consistent, we want to make
3 everything in 18 months.

4 MR. BEHAR: And the reason I'm asking is,
5 we've seen in the last couple years that due to
6 the market condition, construction has been
7 stopped or delayed. I wonder if there's a way
8 to make a provision that would -- a further
9 extension than just the one six-month
10 extension, because I think that we're seeing
11 that a lot of the approvals that took place a
12 couple years ago are coming -- or are getting
13 expired, and there's no provision, after that,
14 you know, developer spent all that money to put
15 together the drawings, to continue until the
16 market gets better.

17 MR. BOLYARD: Well, I believe, as a result
18 of the market conditions, the State -- the
19 State Congress passed S -- Senate Bill 360 --

20 MR. BEHAR: Right.

21 MR. BOLYARD: -- which allows for, I
22 believe, a two-year extension of permits.

23 MR. BEHAR: But that would be in addition
24 to this or it's --

25 MR. FLANAGAN: I think SB 360 is still

1 being heavily debated, with --
 2 MR. COE: Yes.
 3 MR. FLANAGAN: All it's done is create
 4 massive confusion as to -- a lot of confusion,
 5 but I think I agree with Robert. I mean, 18
 6 months, I think, is a long time for the initial
 7 approval before it expires, six months gives
 8 you a two-year time frame, which is nice, but I
 9 know -- it seems to be, the trend is for having
 10 the opportunity, at least, for a three-year
 11 window before you hit a final expiration.

12 MR. SALMAN: Is that -- and again, does
 13 that 18 months commence after the issuance of a
 14 permit, or is that a consequence after --
 15 during the actual approval process, from the
 16 date of submittal?

17 MR. FLANAGAN: That's after it's approved,
 18 18 months.

19 MR. BEHAR: After you get a building -- you
 20 know, your plans are approved, you've only got
 21 18 months and one extension.

22 MR. RIEL: No, no, no. It's development
 23 approval. It's either by this Board --
 24 there's 18 months and then the DRO, which is,
 25 you know, basically, Building and Zoning can

1 grant another six months. After that, there's
 2 extensions that are available for the building
 3 permit, and that's up to the Building Official.
 4 He can extend it --

5 MR. COE: Indefinitely.

6 MR. RIEL: -- you know, 12 years,
 7 indefinitely.

8 MR. COE: Indefinitely.

9 MR. RIEL: So, I mean, at this point in the
 10 stage, we were just trying to make the Code
 11 consistent, in terms of the two years. In
 12 terms of increasing the time frame, that was
 13 not the intent of Staff.

14 If that's something that you would like to,
 15 you know, vote separately on, when this goes
 16 before the Commission, we can bring that for
 17 their consideration, but at this time, it's not
 18 Staff's recommendation to extend the time
 19 frame, also because of Senate Bill 360, which
 20 you indicated as being obviously heavily
 21 litigated. But if the Commission decides that
 22 they want to extend the time frame, I'd like to
 23 leave that up to them, because -- and in fact,
 24 they were the ones that initially came up with
 25 the two-year time frame when we did the

1 rewrite.

2 MR. SALMAN: And there's nothing in the
 3 Code preventing the Building Official from
 4 extending it beyond that.

5 MR. RIEL: No.

6 MR. SALMAN: So that it's really up to him
 7 with regards to looking at it, under what Code
 8 it was approved, to determine if it's still in
 9 compliance or they can extend that permit. And
 10 you make whatever demands you need at that
 11 point.

12 MR. RIEL: I mean, I could defer to
 13 Building and Zoning. I mean, obviously,
 14 they're the entity that does the development
 15 extensions. They're more familiar with that.
 16 I don't know if they want to provide any input
 17 on it. But typically, the two years is the
 18 time frame that's stood -- In fact, with the
 19 rewrite, it was actually only 18 months. We
 20 put the six months in. So that's been in place
 21 for, what, three years now.

22 MR. COE: We had that discussion, in fact,
 23 to increase it to six months.

24 MR. AIZENSTAT: Correct.

25 MR. RIEL: Right.

1 MR. COE: So we've already done that, but
 2 this will now make it consistent with
 3 everything else.

4 MR. RIEL: There was a discrepancy, yeah.
 5 PADs were only good for a year, and, you know,
 6 whenever there's a Code provision, the most
 7 restrictive applies. So we're just trying to
 8 make it consistent, that the PAD is no
 9 different than a site plan.

10 MR. BEHAR: Eric, are you saying that we
 11 cannot -- or cannot instruct you to look at
 12 modifying that time frame?

13 MR. RIEL: Sure you can, but at this point,
 14 it was not Staff's intent -- We did not do the
 15 research in terms of the impacts. We would
 16 have to go back through and look at all the
 17 development approvals that have been granted,
 18 where they're at in that system, the 18 months,
 19 six months, and I can tell you that it's
 20 difficult.

21 MR. BEHAR: I know of a particular case
 22 where a project --

23 MR. COE: It's not one of yours, is it?

24 MR. BEHAR: No, but I know of a particular
 25 case where a project was approved and they did

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1 get an extension, and that's -- they're looking
 2 to revive the project, and obviously, it would
 3 expire, the approval. They don't have a
 4 building permit. It would expire prior to
 5 being able to do that, so all that time and all
 6 that effort that went through will be thrown
 7 away.

8 CHAIRMAN KORGE: And that raises another
 9 question, forcing someone to pull a building
 10 permit when they're not ready to build, and
 11 then try to keep it in place by doing nominal
 12 work or some work, which creates an eyesore or
 13 other hazard. It's something worth looking at,
 14 but --

15 MR. BEHAR: I think, Jeff, you know, having
 16 an additional -- you said 12 months -- I think
 17 probably would be a good compromise, too, and I
 18 would strongly support the concept of looking
 19 into that extension of that time frame.

20 MR. RIEL: So, an additional 12 months, in
 21 addition to the two years?

22 MR. COE: Tacking onto this?

23 MR. SALMAN: I actually -- even though I
 24 understand your position, Robert, we're dealing
 25 with a unique set of circumstances right now,

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1 and to make a permanent change to the Code,
 2 based on the temporary conditions that we're
 3 going through, is something that -- it really
 4 needs to be reviewed on a case-by-case basis.
 5 I mean, the Code changes that happen in two
 6 years can be substantial in some cases, and we
 7 may be approving things that may not
 8 necessarily be a hundred percent in compliance.

9 With regards to the loss of that work,
 10 there's nothing prohibiting them from either
 11 seeking a further extension from the Building
 12 Official or reprocessing the whole thing.

13 MR. BEHAR: I -- With all due respect,
 14 that's not --

15 MR. FLANAGAN: If it helps, there are other
 16 municipalities where it's not -- the extension
 17 is not a matter of right. You file the
 18 application, and there actually is a public
 19 hearing in front of either a P & Z Board or in
 20 front of the city council, and you need to show
 21 that there is good cause and you've actually
 22 proceeded diligently and there are factors
 23 beyond your control which have caused the
 24 delay.

25 MR. SALMAN: I'm just uncomfortable with

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1 blanket extensions. I am comfortable with the
 2 Building Official making that determination,
 3 and not restricting that or extending it by
 4 right. So I think that we had the discussion
 5 when we were talking about it initially, and I
 6 think -- If we want to give a separate
 7 direction, I'd rather approve what we have and
 8 then give a separate direction for Staff to
 9 look at what the impact of the number of
 10 projects we have which may need to have that
 11 extension beyond the six months that they have,
 12 by right, right now.

13 (Thereupon, Ms. Keon arrived.)

14 CHAIRMAN KORGE: Just note for the record,
 15 Pat Keon has arrived.

16 MR. COE: Move Staff's recommendation,
 17 Mr. Chairman.

18 MR. SALMAN: Second.

19 CHAIRMAN KORGE: Motion to approve the
 20 Staff's recommendation. Is there a second?

21 MR. BEHAR: Are we going to take them
 22 individually or all at once?

23 MR. COE: All at once.

24 MR. FLANAGAN: Well, I have some more
 25 questions.

16

1 MR. AIZENSTAT: I have some questions,
 2 also.

3 CHAIRMAN KORGE: Well, there's still a
 4 motion.

5 MR. AIZENSTAT: Well, you can still take --

6 MR. COE: I'm making the motion. I mean,
 7 you know, that's all we're doing, just making
 8 the motion.

9 CHAIRMAN KORGE: We can discuss the motion
 10 after, if there's a second. Is there a second
 11 for the motion?

12 MR. COE: If not, Staff can go back to the
 13 drawing board.

14 CHAIRMAN KORGE: Javier, you'll second?

15 MR. SALMAN: I'll second the motion, for
 16 discussion.

17 CHAIRMAN KORGE: The motion is to approve
 18 all of the text amendments, which are Numbers 1
 19 through 5 on our discussion sheet here, or
 20 recommendation sheet, and let's have some
 21 discussion.

22 MR. AIZENSTAT: If I may, when you talk
 23 about trellises being allowed in the setback,
 24 as far as a bay or a canal, how much into the
 25 setback is the trellis allowed to go in? Is

17

1 there a number?
 2 MR. BOLYARD: The way it's written, there's
 3 not a limit. I mean, the way it's written, it
 4 couldn't be in the side setbacks --
 5 MR. AIZENSTAT: No, but if it's --
 6 MR. BOLYARD: -- so it couldn't be right
 7 against your neighbor's property, but it could
 8 be in the rear setback.
 9 MR. AIZENSTAT: But if it's in the back,
 10 can I put it to the edge of my property line or
 11 the edge of the water?
 12 CHAIRMAN KORGE: It has to be attached to
 13 the building, doesn't it?
 14 MR. BOLYARD: The reason being is that --
 15 MR. AIZENSTAT: But could it continue all
 16 the way out --
 17 MR. BOLYARD: See, the properties that back
 18 on the waterways have a 35-foot rear setback --
 19 MR. AIZENSTAT: Right.
 20 MR. BOLYARD: -- compared to what's
 21 typically a 10-foot setback.
 22 MR. AIZENSTAT: No, I understand that, but
 23 I'm concerned if somebody goes ahead and goes
 24 within that 35 feet and decides to take it all
 25 the way to the very edge of the water, how that

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1 would look.
 2 MS. SALAZAR-BLANCO: That's up to the Board
 3 of Architects.
 4 MR. AIZENSTAT: So they could, technically?
 5 MR. COE: Sure.
 6 MS. SALAZAR-BLANCO: Technically, on
 7 waterways, yeah.
 8 MR. SALMAN: I have another dumb trellis
 9 question. Have we ever denied a metal trellis
 10 before?
 11 MS. SALAZAR-BLANCO: Yes.
 12 MR. COE: That's the problem, yeah.
 13 MR. SALMAN: Not in Commercial, in
 14 Residential?
 15 MS. SALAZAR-BLANCO: Well, the metal
 16 trellises were only -- well, what are we
 17 talking about, the material?
 18 MR. SALMAN: Uh-huh.
 19 MS. SALAZAR-BLANCO: Okay. As far as the
 20 material, yes. At one point, we allowed the
 21 metal and other different types, and then that
 22 was taken out, but we find now, with the City
 23 Architect, that, you know, sometimes there's
 24 recommendations for other types of materials,
 25 and we found that wood is not the only material

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1 that should be allowed. It depends on the
 2 architect, the architecture of the residence or
 3 the building.
 4 MR. SALMAN: Okay, so it's just a question
 5 of materiality?
 6 MS. SALAZAR-BLANCO: Right.
 7 MR. SALMAN: And where we have approved it
 8 before, we didn't now, and now we've got to put
 9 it back in? Okay.
 10 MS. SALAZAR-BLANCO: Right.
 11 MR. SALMAN: I just want to make sure,
 12 because I seem to recall metal trellises at one
 13 time.
 14 MR. FLANAGAN: Is there a height limit on a
 15 trellis?
 16 MS. SALAZAR-BLANCO: Excuse me?
 17 MR. FLANAGAN: Is there a height limit?
 18 MS. SALAZAR-BLANCO: That's up to the Board
 19 of Architects, also.
 20 MR. FLANAGAN: And a trellis is like a
 21 lattice structure, right?
 22 MS. SALAZAR-BLANCO: Yes.
 23 MR. FLANAGAN: If you can have a fence in
 24 your back yard that goes right to your property
 25 line, I'm trying to understand why a trellis

20

1 maybe can't be in the rear setback.
 2 MS. SALAZAR-BLANCO: Well, it can be.
 3 We're talking about two different things,
 4 waterway, rear, or --
 5 MR. FLANAGAN: I'm talking -- let's say
 6 non-waterway.
 7 MS. SALAZAR-BLANCO: They're allowed to,
 8 but they have the same setbacks as the
 9 residence, so if the residence setback --
 10 MR. RIEL: It's a five-foot setback on the
 11 rear.
 12 MS. SALAZAR-BLANCO: -- is at 10 feet, then
 13 they're limited to the 10 feet setback.
 14 MR. AIZENSTAT: That part, I understand.
 15 I'm not an architect, but visually, I have a
 16 problem if I see that trellis going all the way
 17 to the edge of the water line.
 18 I'd like to ask the two architects that we
 19 have on the Board for their opinions on that,
 20 as to how you feel about that or how you see
 21 it.
 22 MR. SALMAN: We've got a Board of
 23 Architects in place to review the aesthetics of
 24 it. Right now, there's nothing precluding them
 25 from doing a wood one up to the setback line

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1 and beyond it. Nine times out of 10, where
 2 I've seen structures go into that 35-foot
 3 setback, it's because of a variance, and a
 4 variance request, and that goes another level
 5 of review, such that -- It needs to be attached
 6 to a structure. Is there a limit to the length
 7 that we can have?

8 MS. SALAZAR-BLANCO: (Shakes head).

9 MR. SALMAN: No limit to the length?

10 MR. AIZENSTAT: That's what I'm saying.

11 MR. SALMAN: So we could have a --

12 MS. SALAZAR-BLANCO: That's all up to the
 13 Board of Architects.

14 MR. SALMAN: -- 30-foot trellis --

15 MR. AIZENSTAT: That's what I'm saying.

16 MS. SALAZAR-BLANCO: They can have a
 17 30-foot trellis.

18 MR. SALMAN: Oh, I see what you're saying.

19 MR. AIZENSTAT: And that doesn't --

20 MR. SALMAN: But again, I'm loathe to
 21 design through prescription.

22 MR. AIZENSTAT: No, I understand that, but
 23 I'd like to have some kind of uniformity that
 24 would be in place, but let the Board of
 25 Architects design or look at the space within

22

1 that setback or that space.

2 MR. SALMAN: I'd be inclined to say that it
 3 shouldn't extend more than, you know, 10 feet
 4 beyond the structure, and, you know --

5 MR. BEHAR: No --

6 MR. SALMAN: -- cantilevered out, or put a
 7 limit at that point, but --

8 MR. BEHAR: I would look at it --

9 MR. SALMAN: But even then --

10 MR. BEHAR: -- 10 feet from maybe the
 11 waterway.

12 MR. AIZENSTAT: That's what I'm thinking.

13 MR. SALMAN: Yeah.

14 MR. BEHAR: You know, from the waterway,
 15 not from the structure, because if the
 16 structure is, you know, 40 feet away --

17 MR. SALMAN: No, I'm just thinking, if this
 18 thing is cantilevered out, that's going to look
 19 like something really weird.

20 MR. BEHAR: Currently, the trellises are
 21 permitted up to the property line, right?

22 MS. SALAZAR-BLANCO: For waterfront
 23 properties.

24 MR. BEHAR: For the waterfront properties.

25 MS. SALAZAR-BLANCO: Yes.

23

1 MR. RIEL: And again, the intent of the
 2 regulation --

3 MR. BEHAR: Just the materials.

4 MR. RIEL: -- was only materials.

5 MR. COE: We're talking about materials.
 6 We're not talking about where you can put it.

7 MR. RIEL: So, if you're going to change
 8 the setbacks, we've got to go back and analyze
 9 what the impact is on the remaining properties

10 in the City.

11 MR. AIZENSTAT: I'm not looking so much at
 12 changing the setback, but just if you're
 13 allowing it to go into that setback, would it
 14 look right, going all the way to the edge?

15 MR. BEHAR: No, I agree with you. You're
 16 absolutely correct, you're absolutely -- and
 17 that's something that maybe was not
 18 contemplated before, was not, you know,
 19 visualized like that, and maybe it's something
 20 that should be reconsidered.

21 MR. RIEL: But also, I mean, the Board of
 22 Architects, when they review it, they could
 23 say, you know, instead of going up to the mean
 24 high water mark, we want it set back 10, 15
 25 feet. This issue has not come up, in terms of

24

1 the setbacks from the waterway. Has it come
 2 up?

3 MS. SALAZAR-BLANCO: No.

4 MR. RIEL: I've never heard an issue been
 5 raised.

6 MS. SALAZAR-BLANCO: No, we never -- yeah,
 7 I think it's -- I mean, we can ask --

8 MR. RIEL: And many of these provisions
 9 have been in the Code for --

10 MS. SALAZAR-BLANCO: -- Carlos, but I don't
 11 think that he has seen trellises go all the way
 12 up to the property line on waterfront, I don't
 13 know.

14 MR. MINDREAU: We have not.

15 MR. RIEL: And trellises, we did not update
 16 in the Zoning Code rewrite. We basically left
 17 it alone.

18 MR. AIZENSTAT: Right.

19 MR. RIEL: And we did discuss materials a
 20 little bit, but this provision is just to allow
 21 metal, and that's the only change we're
 22 proposing here.

23 MR. BEHAR: I don't have a problem with the
 24 metal, allowing the metal, and I will leave it
 25 up to the Board of Architects to look at it and

1 make whatever recommendations they need to be
 2 to make, aesthetically, as a pleasant profile,
 3 et cetera, et cetera. But I agree with Eibi,
 4 we -- you know, the proximity to the back, even
 5 though it has not come up, you know, you don't
 6 want to see a 30-foot, you know, trellis,
 7 and --

8 MS. SALAZAR-BLANCO: I don't recall seeing
 9 one all the way to the property, or even a
 10 30-foot trellis. I don't recall it. I don't
 11 think Carlos, either, so --

12 MS. HERNANDEZ: But now that we've said it
 13 on television --

14 MS. SALAZAR-BLANCO: Now that we've said
 15 it --

16 MR. SALMAN: Now somebody's going to think
 17 about it.

18 MS. HERNANDEZ: Thank you, Architect Behar.

19 MR. COE: Now we --

20 MR. BEHAR: I didn't bring it up, by the
 21 way, for the record, you know. It was brought
 22 up. I'm just clarifying it.

23 MR. COE: Now we have it.

24 MS. HERNANDEZ: We know what his proposal
 25 is going to be.

1 MR. COE: That's the next one you're going
 2 to see from him.

3 MR. BEHAR: The whole back yard.

4 MR. AIZENSTAT: Well, I mean, technically,
 5 the way I'm looking at it is, I can have a
 6 house that's 35 foot set back from the edge of
 7 the water, and I can do a U trellis going all
 8 the way to the very edge of the line of the
 9 water.

10 MR. COE: Right.

11 MR. BEHAR: If you can get the Board of
 12 Architects to approve it.

13 MS. HERNANDEZ: I was just going to say --

14 MR. COE: You can do that right now, with
 15 Board approval.

16 MS. HERNANDEZ: -- you need to get past the
 17 Board of Architects.

18 MR. COE: You still have to get Board of
 19 Architects approval.

20 MR. BEHAR: Any given day. Any given day,
 21 you never know what could happen.

22 MS. HERNANDEZ: They have been known, based
 23 on who's on the Board, to have some strange and
 24 interesting --

25 MR. COE: That's right.

1 MS. HERNANDEZ: -- you know, approvals.

2 MR. COE: That's right.

3 CHAIRMAN KORGE: Just a real curious
 4 question. Who, in his right mind, wants to
 5 block the water view?

6 MR. AIZENSTAT: But it's a trellis.

7 MR. BEHAR: Wasn't there a case where there
 8 was a huge boat parked in back of a waterway?

9 CHAIRMAN KORGE: Yeah, at Cocopium.

10 MS. HERNANDEZ: Oh, that was many years
 11 before my time.

12 MR. FLANAGAN: I have a question on Text
 13 Amendment Number 1, on the appeal. If I read
 14 it right, an aggrieved party has 60 days to
 15 appeal the decision of the Development Review
 16 Official. I just wonder if 60 days isn't too
 17 long. That leaves an approval up in the air --

18 MS. HERNANDEZ: Yeah.

19 MR. FLANAGAN: -- conceivably, for 60 days.

20 MS. HERNANDEZ: Let me tell you what the
 21 problem is with it. You have a situation where
 22 the -- our City Architect has what I consider
 23 to be a lot of power, and this came up as a
 24 result of a neighborhood association being very
 25 upset, perhaps, with the taste that a

1 particular property owner may have had in a
 2 fountain, and because we did not have a time
 3 period for -- if you have no time period for
 4 appeals, they can appeal it forever, until the
 5 moon is -- you know.

6 MR. COE: That's right.

7 MS. HERNANDEZ: And so we need to pick a
 8 time. We don't post the property when the City
 9 Architect makes a written decision. So, if
 10 there's no notice, the question is, you know,
 11 I, as a neighbor, need to know when a decision
 12 is made. It would be too time-consuming, too
 13 costly, not just to the City, but to the
 14 resident who's making applications, because the
 15 City Architect can tell you all the different
 16 decisions he's involved in on a daily basis,
 17 but the question is, if the next-door neighbor
 18 has a problem with a mermaid fountain, do they
 19 have the right to appeal? And if there is no
 20 time period -- So we were trying to be
 21 consistent with other appellate time lines that
 22 are there, you know.

23 MR. FLANAGAN: I have no problem with there
 24 being a time line. I just think 60 days is too
 25 long.

29

1 MS. HERNANDEZ: I know.
 2 MR. FLANAGAN: I mean, this -- if we're
 3 going to stay with an appeal period, leave it
 4 at 20 or 30 days. I think that's much more
 5 reasonable. If you're an interested party and
 6 you're aggrieved by the decision, if the
 7 property is posted as to when the hearing is,
 8 conceivably you're going to be there and you're
 9 going to be aware, and if the City has a policy
 10 that says, "We will post a decision within five
 11 days," on a certain bulletin board --

12 MS. HERNANDEZ: Okay.

13 MR. FLANAGAN: -- that serves as notice,
 14 and they're done, and then they've got --

15 MS. HERNANDEZ: I know.

16 MR. FLANAGAN: -- 30 days from that time
 17 frame.

18 MS. HERNANDEZ: And granted, you know,
 19 there are many different options available.
 20 The County used to have a position where if you
 21 got all the neighbors that abut the property to
 22 sign off, then, you know, they have a reduced
 23 time period, because those are the ones that
 24 are more immediately affected. But at least my
 25 department was not comfortable with a shorter

30

1 time frame. We will do and defend whatever
 2 this Board and the City Commission decides, but
 3 because of the fact that we don't impose the
 4 burden on the applicant to get consent from the
 5 abutting property owners, especially on design
 6 features on the exterior of a house -- you
 7 know, on the interior, you know, it's the
 8 interior, okay? But when you're putting in
 9 fences of a certain type, or fountains of a --

10 And I don't know, Carlos, if you can help
 11 me. Give me some more examples where residents
 12 have been upset with one another and we've
 13 created the Hatfields and the McCoys over
 14 situations.

15 MR. MINDREAU: Carlos Mindreau, City
 16 Architect, for the record.

17 You know, it's unusual. There's only -- in
 18 the three years that I've been here, there's
 19 only been one, and that was the mermaid, and
 20 the reason it wasn't posted is because the cost
 21 of the mermaid to be put in place was less than
 22 \$75,000. The issue with the time line is this.
 23 If I approve something to be done, they can
 24 pull the permit and actually get it built in
 25 less than 30 days, because it's under

31

1 \$75,000 --

2 MS. HERNANDEZ: Right.

3 MR. MINDREAU: -- so they're an
 4 inconsequential project. So here we have an
 5 owner that built something, with permit --

6 MS. HERNANDEZ: Uh-huh.

7 MR. MINDREAU: -- and now we have someone
 8 that can challenge what they've done, you know,
 9 even though it's already in place, because of
 10 the time period. If you can do it within 60
 11 days and build it, and I can still challenge
 12 it, then we're going to have a real issue.

13 MS. HERNANDEZ: Right.

14 MR. MINDREAU: We're going to have the
 15 issue of someone saying, "Look, I did it
 16 legally."

17 MS. HERNANDEZ: Right, but just because
 18 they can challenge it doesn't mean it doesn't
 19 go then -- The challenge of the City Architect
 20 then goes to the Board.

21 MR. MINDREAU: To the Board.

22 MS. HERNANDEZ: You know, again --

23 MR. FLANAGAN: So this is a 60-day limit
 24 purely on the administrative decisions of the
 25 City Architect?

32

1 MS. HERNANDEZ: Yes.

2 MR. RIEL: And it mirrors the
 3 administrative decision of the DRO, which is in
 4 other places in the Code, as well.

5 MS. HERNANDEZ: Right.

6 MR. RIEL: It's the same 60-day day time
 7 frame.

8 MS. HERNANDEZ: Right, and we understand
 9 what the City Architect is saying, but again,
 10 you need to put yourself in the place of the
 11 neighbor that is completely unaware and then
 12 all of a sudden sees something go up, you know.
 13 In this case, it was a mermaid.

14 CHAIRMAN KORGE: Well, dealing with --

15 MR. FLANAGAN: But I mean, if we're going
 16 to talk that through, if you're a smart
 17 homeowner, you're going to wait your 60 days
 18 and then put it up, and then somebody is -- I
 19 mean, you've got no time to appeal.

20 MS. HERNANDEZ: Well, you know, and then
 21 we'll come back here and --

22 CHAIRMAN KORGE: No, I was going to ask, I
 23 mean, if we got an approval by the City
 24 Architect and it's constructed during the
 25 period during which an appeal may be brought,

1 where are we? Can you build it during that
2 period?

3 MS. HERNANDEZ: Oh, yes.

4 MR. COE: Yeah, of course.

5 MS. HERNANDEZ: Yeah. You have the
6 approval.

7 CHAIRMAN KORGE: Well, that's --

8 MR. COE: What's to stop you?

9 MS. HERNANDEZ: It's always -- We have that
10 all the time. Builders and homeowners proceed
11 at their own risk, you know.

12 MR. COE: And if they're wrong, it's
13 removed.

14 MS. HERNANDEZ: Right. So, I mean, it's
15 definitely an issue that we have grappled with,
16 and we've gone from 14 days to 21 days to 30
17 days to 60 days, you know, and it's the same
18 issue that, you know, you're grappling with.
19 We have looked at this Rubik's Cube in very
20 different scenarios.

21 CHAIRMAN KORGE: Why don't the rules -- Why
22 don't the rules preclude construction to
23 commence prior to the appeal period expiring?
24 Why would we put people in a position where
25 they may spend the money, at their own risk,

1 you know, it's at their own risk, but --
2 MS. HERNANDEZ: My position was, why not

3 just post the decision, you know, and then I
4 got back, "Well, it's costly," "There's so many
5 decisions made," "There's --" You know, my
6 attitude is, you know, I don't know what the
7 cost is, that would have to be a cost-benefit
8 analysis that's made, but my attitude is that
9 the decision of the City Architect should be
10 posted on the property for a period of five
11 days, you know, or whatever, and then there's a
12 shortened period of time, but if you don't know
13 that a decision has been made because there's
14 no posting, there's no mailer, there's no
15 posting, there's -- you know, there's a lack of
16 notice. It's one of the elements of due
17 process, so --

18 MR. MINDREAU: That idea may be good, that
19 if there's an administrative decision, to post
20 the site.

21 MS. HERNANDEZ: Yeah.

22 MR. MINDREAU: It is posted to some degree,
23 in that it goes on the agenda and the agenda is
24 on the Internet, but people don't review the
25 agendas of the different Boards, generally, but

1 if there appears a posting on the site --

2 MS. HERNANDEZ: I go on my Facebook every
3 six months.

4 MR. MINDREAU: -- of an administrative --
5 perhaps that's a solution.

6 MS. HERNANDEZ: No, it's true.

7 CHAIRMAN KORGE: The website could be set
8 up so you could find it by reference to the
9 address of the --

10 MS. HERNANDEZ: But do you go home every
11 night and check the addresses of your
12 neighbors?

13 CHAIRMAN KORGE: Me? No, I don't.

14 MS. HERNANDEZ: Okay. I know that I
15 certainly have a --

16 CHAIRMAN KORGE: But if somebody is
17 interested --

18 MS. HERNANDEZ: -- a more --

19 MR. BEHAR: She has better things to do.

20 MS. HERNANDEZ: Well, you know, a more
21 interesting life than that.

22 CHAIRMAN KORGE: If someone sees a posted
23 sign in the neighborhood, they'll know to be
24 watching it --

25 MS. HERNANDEZ: That's -- exactly.

1 Exactly.

2 CHAIRMAN KORGE: -- on the Internet. But
3 looking for it in an agenda is very difficult
4 and time-consuming.

5 MS. HERNANDEZ: Right, and going on your
6 website every -- on your City website every
7 night is not --

8 CHAIRMAN KORGE: But still --

9 MS. HERNANDEZ: It's not reasonable.

10 MR. MINDREAU: It's not feasible.

11 CHAIRMAN KORGE: Still, the question I ask,
12 I don't think I understand why we don't prevent
13 construction from commencing until the appeal
14 period has expired. Why don't we just prohibit
15 that?

16 MS. HERNANDEZ: Because builders,
17 developers, architects, they want to be able to
18 pull that permit and start building. They know
19 that they do so at their own risk. There have
20 been cases reported where, you know, judges
21 have reversed decisions of cities and projects
22 have come down, you know, but they do so at
23 their own risk, and they understand that they
24 do so at their own risk.

25 MR. COE: But time is money.

1 MS. HERNANDEZ: Time is money.
 2 MR. COE: If you delay a project, it may
 3 not even be built.
 4 MS. HERNANDEZ: Yeah.
 5 MR. COE: Someone will say, "Well, I've got
 6 another project to do."
 7 MS. HERNANDEZ: Every day, the bank --
 8 MR. COE: "I'm not wasting my time sitting
 9 and having this thing being idle."
 10 MR. SALMAN: Yeah, and upon issuance of a
 11 permit and commencement of construction, they
 12 do post a building permit on the property.
 13 MS. HERNANDEZ: They do.
 14 MR. COE: There it is.
 15 MR. SALMAN: And if you want to know what's
 16 going on with your neighbor's house, you go to
 17 the City and say, "Hey, what are they doing on
 18 this neighbor's house?"
 19 MS. HERNANDEZ: Right. I mean, on this
 20 particular case -- well, I guess the fountain
 21 was put up within 24 hours, so, you know --
 22 MR. COE: It was a quickie fountain
 23 project.
 24 MR. MINDREAU: Actually, what happened in
 25 this period is, the fountain was put up

1 illegally, without a permit. They were cited
 2 for doing construction without, and then they
 3 came in to apply for the permit, at which time
 4 I -- you know, it was a fountain, and it seemed
 5 simple. It didn't seem -- It was appropriate,
 6 it was -- all the right parts were covered, and
 7 so I approved it. I didn't think it was much
 8 of anything. It turned out to be a lot of
 9 everything.
 10 MS. HERNANDEZ: Yes, it did.
 11 MR. COE: You won't do that again.
 12 MR. SALMAN: Your first question is,
 13 "What's up with the mermaid," now.
 14 MR. MINDREAU: I don't do fountains
 15 anymore.
 16 MR. FLANAGAN: All right, I mean, so if
 17 there's no notice given on the administrative
 18 decisions of the architect, then maybe I'm more
 19 comfortable with that 60-day period. I don't
 20 know if giving notice is feasible.
 21 How many decisions a month do you make, on
 22 a purely administrative basis?
 23 MR. MINDREAU: I make about 40 percent
 24 administrative decisions every week. Between
 25 30 and 40 percent --

1 CHAIRMAN KORGE: Of what number?
 2 MR. COE: But what number?
 3 MR. MINDREAU: -- of the agenda of the
 4 Board is an administrative --
 5 MS. HERNANDEZ: But that's how many, a
 6 number?
 7 MR. COE: He's asking for a raw number,
 8 probably.
 9 MR. FLANAGAN: 20 or 30?
 10 MR. MINDREAU: Right now, we're doing 80 a
 11 week.
 12 MS. HERNANDEZ: 80? You're doing 80
 13 administrative?
 14 MR. MINDREAU: No, the Board -- The agenda
 15 of the Board is 80 applications a week.
 16 MR. COE: So there's 32, 32 a week, that
 17 you would do --
 18 MR. MINDREAU: That I do administratively.
 19 MR. COE: -- that would have to be posted.
 20 MR. FLANAGAN: That's a lot of posting.
 21 MS. HERNANDEZ: And that would take
 22 personnel to go out, you know, stake it in --
 23 MR. FLANAGAN: I got it. No, I'm
 24 comfortable with 60 days.
 25 MR. COE: I don't think this Commission

1 would like to budget that amount of money for
 2 that.
 3 MS. HERNANDEZ: I don't know.
 4 CHAIRMAN KORGE: Are you comfortable with
 5 the 60 days, then, based on that, the volume?
 6 MR. FLANAGAN: I think it just becomes
 7 probably too difficult to go post every
 8 property.
 9 MS. HERNANDEZ: I mean, we could always
 10 pass the cost of posting on to the applicant,
 11 but as you know, we already get complaints
 12 about all this, so --
 13 MR. FLANAGAN: Right.
 14 MR. COE: Another cost.
 15 MS. HERNANDEZ: And my feeling is that we
 16 should post, by the way. My recommendation is,
 17 the strongest defense is posting and a limited
 18 period of time, 14 days, you know, but
 19 definitely posting, because then no one has an
 20 argument that they didn't get absolute notice,
 21 you know.
 22 MR. SALMAN: What does it cost to post a
 23 property, just out of curiosity?
 24 MS. HERNANDEZ: You know, I don't know. I
 25 know that Code Enforcement officers post the

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1 agendas for certain items, but --
 2 MR. MINDREAU: New construction, projects
 3 over \$75,000, are all posted.
 4 MS. HERNANDEZ: We don't have a cost
 5 estimate of how much that is.
 6 MR. MINDREAU: We charge them -- I think
 7 it's \$50 for posting now.
 8 MS. HERNANDEZ: Right.
 9 MR. MINDREAU: But that involves, you know,
 10 the posting, the stakes, one of the Code
 11 Enforcement officers actually going to the site
 12 and putting them on site --
 13 MS. HERNANDEZ: Right.
 14 MR. MINDREAU: -- five days in advance of
 15 the review by the Board.
 16 MR. COE: And that's 75,000 or over. How
 17 many do you approve a week that are under
 18 75,000?
 19 MR. MINDREAU: Precisely.
 20 MS. HERNANDEZ: Up 40 projects.
 21 MR. MINDREAU: Precisely. If the project
 22 is new construction and it's over 75,000, I
 23 typically send it to the Board automatically.
 24 MR. COE: Yeah.
 25 MR. MINDREAU: If -- I don't deny projects

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1 as an administrative denial, because I feel
 2 that they should be heard by more than one
 3 architect, when I feel that denial is in order.
 4 That way, it's not totally autocratic. So I
 5 typically -- if I'm inclined to deny it, I send
 6 it to the Board, even though it may be a small
 7 thing, you know, under 75, and then the Board
 8 hears it.
 9 MR. FLANAGAN: Are the items that you give
 10 an administrative decision on -- are they
 11 posted as a part of the Board of Architects'
 12 agenda?
 13 MR. MINDREAU: They are on the agenda.
 14 They appear on the agenda.
 15 MR. FLANAGAN: So they're on the agenda, at
 16 a publicly-noticed hearing?
 17 MR. MINDREAU: Yeah.
 18 MR. BEHAR: Well, not publicly noticed.
 19 MR. MINDREAU: No, there's no -- there's no
 20 notice in the usual places, but the agenda is
 21 published.
 22 MR. BEHAR: Right.
 23 MR. COE: Yeah. If you go on the City
 24 website, you're going to see all this. It's
 25 all there --

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1 CHAIRMAN KORGE: Is it on the website?
 2 MR. COE: -- if you want to go do it.
 3 MR. MINDREAU: It's on the website. You
 4 can go to Boards, Agendas, Board of
 5 Architects --
 6 MR. COE: Sure, pull it right up.
 7 MR. MINDREAU: -- and you have a full list.
 8 MR. SALMAN: Sitting at that table during
 9 the meeting, right where you're standing, is
 10 the agenda.
 11 MR. MINDREAU: It's sitting right here,
 12 every --
 13 MR. SALMAN: Right there.
 14 MR. MINDREAU: -- every Thursday.
 15 MR. SALMAN: Every meeting.
 16 CHAIRMAN KORGE: Yeah, but it's on -- The
 17 important point is, it's on the website, so
 18 anybody can access it very easily.
 19 MR. MINDREAU: And it's accurate as of
 20 Wednesday at around three or four o'clock.
 21 It's complete.
 22 MR. BEHAR: Can I -- Mr. Chairman, can I go
 23 back a second for the Amendment Number 2? Can
 24 we put a provision -- Let me rephrase it.
 25 Currently, we have an 18-month with a six-month

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1 extension. Could a provision be made that on a
 2 case-by-case basis, there's -- an additional
 3 extension could be granted, on a case-by-case,
 4 not to affect the whole Code, you know? Could
 5 something like that be put in?
 6 MR. BOLYARD: We could add that. We could
 7 look into that.
 8 MS. HERNANDEZ: Say that again?
 9 MR. COE: No, no, no, no, I don't think you
 10 can do that.
 11 MR. RIEL: No, wait a minute. You have to
 12 understand, if you do another six or whatever
 13 extension period, we're going to have to go
 14 back through all the projects that currently
 15 have approvals and see where they fit within
 16 that time frame.
 17 MR. COE: Because otherwise, everybody
 18 that's in the system --
 19 MR. RIEL: Right.
 20 MR. COE: -- can come back now --
 21 MR. RIEL: Correct.
 22 MR. COE: -- and they'll say, "We're
 23 grandfathered into that, and we want to have
 24 individual review for extension of every one of
 25 these projects."

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1 MS. HERNANDEZ: Uh-huh.
 2 MR. RIEL: If you remember, we had the
 3 transitional rules when we implemented the
 4 Zoning Code rewrite, and I can tell you, from
 5 my standpoint, working with Building & Zoning,
 6 it was extremely difficult to go back and
 7 figure out where they were in the process --

8 MS. HERNANDEZ: Right.

9 MR. RIEL: -- and whether or not they were
 10 under those provisions. So, I mean, if the
 11 Board wishes to do that, we certainly, if
 12 that's your -- I would recommend that as a
 13 separate recommendation, but we --

14 CHAIRMAN KORGE: Well, the transition could
 15 be reworded so that it's effective only for
 16 projects that are put into the pipeline
 17 after --

18 MR. RIEL: Sure.

19 CHAIRMAN KORGE: -- the date of the change.

20 MR. RIEL: It's just that we're not going
 21 to be able -- I need to go back and do the
 22 analysis, so that's why I'm suggesting a
 23 separate motion be made, because I'm not going
 24 to be able to present that information to the
 25 Commission when this goes to them in the next

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1 couple weeks --
 2 MS. HERNANDEZ: Okay.
 3 MR. RIEL: -- because that would require
 4 more analysis, because that was not the intent.
 5 I can tell you how many PADs we have in the
 6 City. We have five. It's easy to tell you.
 7 You know, this is only going to apply to one of
 8 those, and that's Old Spanish Village. So it's
 9 easy for me to tell you. But the projects that
 10 are en route, you know, under review by
 11 Building and Zoning, where they're at in the
 12 process, we would need to go back through all
 13 of those.

14 MS. KEON: Why do you think -- Why do you
 15 want it in?

16 MR. BEHAR: Just to allow those projects
 17 that were put on hold, and the two years
 18 essentially are coming up to conclusion -- to
 19 have an opportunity that it will be reviewed,
 20 case by case, but it could be granted an
 21 additional time period.

22 CHAIRMAN KORGE: Can I make a suggestion --

23 MR. BEHAR: Sure.

24 CHAIRMAN KORGE: -- to move this along a
 25 little bit. I doubt we're going to actually

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1 adopt anything like that today, and I think
 2 what we're hearing from Eric is that he'd like
 3 to look at it --

4 MS. HERNANDEZ: Right.

5 CHAIRMAN KORGE: -- and then maybe get back
 6 to us --

7 MS. HERNANDEZ: Okay.

8 CHAIRMAN KORGE: -- with a recommendation,
 9 or maybe not a recommendation, but he's not
 10 prepared to give us a recommendation today on
 11 that, and unless you want to ask for a friendly
 12 or even not a friendly amendment to the
 13 motion --

14 MR. BEHAR: And I was the motion maker.

15 CHAIRMAN KORGE: I mean, that's where I
 16 think we're headed, for whatever that's worth.
 17 I hear what you're saying, but certainly we
 18 need to get this approved, if we're going to
 19 approve it --

20 MS. HERNANDEZ: Right.

21 CHAIRMAN KORGE: -- today.

22 MR. RIEL: So we'd be happy to do the
 23 research, come back in a month or two --

24 MS. HERNANDEZ: For further -- for future
 25 amendments.

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1 MR. RIEL: -- and see -- let you know how
 2 that impacts what projects.

3 MS. HERNANDEZ: Yeah.

4 MR. BEHAR: Okay.

5 MR. RIEL: And then, you know, get further
 6 direction from you, because there's -- you
 7 know, if you're going case by case, we need to
 8 create criteria to evaluate those, and, you
 9 know, my gut feeling is, we'd like to do that
 10 administratively, not do it via a public
 11 hearing process, because I don't want to get
 12 into noticing projects and tracking projects,
 13 because after a project is approved, you know,
 14 it's upon the property owner to ensure they
 15 adhere to the time frames.

16 MS. HERNANDEZ: Right.

17 MR. RIEL: If I have to go start tracking
 18 projects as they come through the system in two
 19 years, that's just an additional burden on
 20 Staff.

21 MR. BEHAR: Okay, fine. Good enough.

22 MR. RIEL: Let us go back and look at that
 23 issue, and then we'll bring it forward in the
 24 next month or so.

25 CHAIRMAN KORGE: Is there any more

1 discussion about the text amendments that are
 2 before us right now by motion? No more Board
 3 discussion?

4 Let's call the roll on that, please.

5 MS. MENENDEZ: Jack Coe?

6 MR. COE: Yes.

7 MS. MENENDEZ: Jeff Flanagan?

8 MR. FLANAGAN: Yes.

9 MS. MENENDEZ: Pat Keon?

10 MS. KEON: Yes.

11 MS. MENENDEZ: Javier Salman?

12 MR. SALMAN: Yes.

13 MS. MENENDEZ: Eibi Aizenstat?

14 MR. AIZENSTAT: Yes.

15 MS. MENENDEZ: Robert Behar?

16 MR. BEHAR: Yes.

17 MS. MENENDEZ: Tom Korge?

18 CHAIRMAN KORGE: Yes.

19 The next item is Comprehensive Plan,
 20 Capital Improvement Element Annual Update.

21 MR. CARLSON: Good evening. Your last item
 22 this evening is the annual update of the
 23 Comprehensive Plan, Capital Improvement
 24 Element, and the Capital Improvement Element is
 25 commonly referred to as the CIE. The purpose

1 of the CIE is to identify the capital
 2 improvements needed to implement the
 3 Comprehensive Plan. The State requires that
 4 the CIE be updated by the City every year.
 5 Every municipality and every county government
 6 in the State is required to update and submit
 7 their CIE annually. So this is an annual type
 8 of thing which we have to do.

9 The update replaces -- The update which is
 10 before you right now replaces last year's
 11 five-year capital improvement program with the
 12 City's current program. It also updates the
 13 accounting of the revenue required for the
 14 capital improvement program, and it updates the
 15 supporting information indicating the proper
 16 fiscal year and funding amounts for the
 17 projects which are indicated in the CIE text.

18 On the annual report, the proposed changes
 19 are included as an attachment to the draft
 20 adopted ordinance, which is in your package.
 21 Staff is recommending approval of the required
 22 amendments. We are also recommending the
 23 transmittal of the CIE to the Department of
 24 Community Affairs and the South Florida
 25 Regional Planning Council. And finally, Staff

1 is recommending -- a recommendation of approval
 2 for the adoption at one public hearing before
 3 the Commission, as allowed by State Statutes.

4 CHAIRMAN KORGE: Is that it?

5 MR. CARLSON: That concludes my --

6 CHAIRMAN KORGE: That's your presentation?

7 MR. SALMAN: Through the Chair --

8 CHAIRMAN KORGE: Yes.

9 MR. SALMAN: This isn't your public
 10 reading, right?

11 MR. CARLSON: Excuse me?

12 MR. SALMAN: This is not your public
 13 reading?

14 MR. CARLSON: No, no. The public reading
 15 will be one public hearing before the City
 16 Commission.

17 CHAIRMAN KORGE: Any motion?

18 MR. SALMAN: I'll move to approve.

19 CHAIRMAN KORGE: Motion to approve. Is
 20 there a second to approve?

21 MS. KEON: I'll second.

22 CHAIRMAN KORGE: Pat seconded.

23 Is there any discussion? No discussion.

24 Let's call the roll, please.

25 MR. FLANAGAN: One quick question. I'm

1 sorry, one quick question. Page 11, under
 2 Revenue. It just says, the change of the
 3 fiscal year '09-2010 proposed budget includes
 4 previously funded capital projects that will be
 5 carried forward into the '09-'10 fiscal year.

6 Is that right, carried it forward into the
 7 '09-2010 fiscal year, or should that say
 8 2010-2011 fiscal year?

9 MR. CARLSON: This is for the current year,
 10 is the 2009-2010. It brings it forward from
 11 last year to this year.

12 MR. FLANAGAN: In that first paragraph,
 13 that we talk about fiscal year 09-'10 twice,
 14 we say that there is money from '09-'10 that
 15 will be carried forward into the '09-'10 fiscal
 16 year.

17 CHAIRMAN KORGE: Right.

18 MR. FLANAGAN: Should it be '08-'09
 19 proposed budget included previously funded
 20 projects that will be carried forward into the
 21 '09-'10 --

22 MR. RIEL: You have the same year --

23 MR. CARLSON: Okay.

24 MR. RIEL: There's no --

25 CHAIRMAN KORGE: Right.

1 CHAIRMAN KORGE: Any other questions or
2 discussion? No?

3 Let's call the roll, please.

4 MS. MENENDEZ: Jeff Flanagan?

5 MR. FLANAGAN: Yes.

6 MS. MENENDEZ: Pat Keon?

7 MS. KEON: Yes.

8 MS. MENENDEZ: Javier Salman?

9 MR. SALMAN: Yes.

10 MS. MENENDEZ: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 MS. MENENDEZ: Robert Behar?

13 MR. BEHAR: Yes.

14 MS. MENENDEZ: Jack Coe?

15 MR. COE: Yes.

16 MS. MENENDEZ: Tom Korge?

17 CHAIRMAN KORGE: Yes.

18 MR. CARLSON: Thank you very much.

19 CHAIRMAN KORGE: Thank you.

20 Are we going to have a meeting on June 9th?

21 MR. RIEL: Yes.

22 CHAIRMAN KORGE: Okay. We're adjourned.

23 (Thereupon, the meeting was adjourned at
24 6:48 p.m.)

55

1 C E R T I F I C A T E
2
3 STATE OF FLORIDA:
4 SS.
5 COUNTY OF MIAMI-DADE:
6
7 I, JOAN L. BAILEY, Registered Diplomate
8 Reporter, Florida Professional Reporter, and a Notary
9 Public for the State of Florida at Large, do hereby
10 certify that I was authorized to and did
11 stenographically report the foregoing proceedings and
12 that the transcript is a true and complete record of my
13 stenographic notes.
14
15 DATED this 15th day of May, 2010.
16
17
18
19 _____
20 JOAN L. BAILEY, RDR, FPR
21
22 Notary Commission Number DD 64037
23 Expiration June 14, 2011.
24
25