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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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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

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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?

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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

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PLANNING DEPARTMENT  
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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.

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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,

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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

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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

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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

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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

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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.

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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

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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

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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.

26

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.

27

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 Cocoplum.

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

28

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

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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

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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,



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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,

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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

35

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.

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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.

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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

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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 --

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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

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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

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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

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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

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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

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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.

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1 MR. RIEL: Carried forward from this year  
2 to next year.  
3 MR. FLANAGAN: From last year to this year.  
4 MR. CARLSON: We'll correct that.  
5 MR. FLANAGAN: Okay.  
6 CHAIRMAN KORGE: And the FY should be FYE,  
7 because that's fiscal year ending, right? The  
8 year ends in August, right?  
9 MR. SALMAN: August of '09.  
10 MR. RIEL: October. September 30th. We  
11 just put this --  
12 CHAIRMAN KORGE: FY '08-'09. That's fiscal  
13 years '08 and '09?  
14 MR. SALMAN: It's the fiscal year that goes  
15 from '08 to '09.  
16 MR. FLANAGAN: Yeah, October to September.  
17 MR. SALMAN: September '08 to September  
18 '09.  
19 CHAIRMAN KORGE: What I'd suggest for the  
20 future is just putting the fiscal year ending,  
21 whatever the ending date of that fiscal year  
22 is, like everybody else does. That would be  
23 less confusing than '08, slash, '09. Just a  
24 suggestion for the future.  
25 MR. CARLSON: Okay.

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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.)  
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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.  
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17  
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19  
20 JOAN L. BAILEY, RDR, FPR  
21  
22 Notary Commission Number DD 64037  
23 Expiration June 14, 2011.  
24  
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