

02 11 09 Verbatim Excerpts of PZB
Meeting Minutes

Exhibit C

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1 MS. MENENDEZ: Pat Keon?
2 MS. KEON: Yes.
3 MS. MENENDEZ: Javier Salman?
4 MR. SALMAN: Yes.
5 MS. MENENDEZ: Eibi Aizenstat?
6 MR. AIZENSTAT: Yes.
7 MS. MENENDEZ: Jack Coe?
8 MR. COE: Yes.
9 MS. MENENDEZ: Jeff Flanagan?
10 MR. FLANAGAN: Yes.
11 MS. MENENDEZ: Tom Korge?
12 CHAIRMAN KORGE: Yes.
13 MR. RIEL: And this will go to the
14 Commission on March 10th.
15 CHAIRMAN KORGE: Thank you very
16 much.
17 MR. GARCIA-SERRA: Thank you very
18 much, and have a good night.
19 MR. SALMAN: John, you did a great
20 job. It's a beautiful building.
21 MR. FULLERTON: Thank you very
22 much. Thank you.
23 MR. COE: Another good job, John.
24 CHAIRMAN KORGE: All right. One
25 more item on the agenda, and that is a

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1 Zoning Code Text Amendment, Article 5,
2 "Signs," regarding political signs; is
3 that correct?
4 MR. RIEL: That's correct. Let me
5 just make some introductory comments,
6 and I'll turn it over to the City
7 Attorney's Office and Building and
8 Zoning, Martha Salazar-Blanco, the
9 Zoning Official.
10 On December 20th, this was
11 presented to the Board. It went to the
12 Commission on first reading. Since the
13 time it went to the Commission, various
14 changes were -- additional changes were
15 identified, which in the opinion of the
16 City Staff necessitated coming back to
17 the Planning and Zoning Board.
18 When the Board did review it, you
19 did recommend unanimous approval, and
20 I'll turn it over to the City Attorney's
21 Office and, as I said, Martha Salazar-
22 Blanco to provide you some overview of
23 the changes.
24 Staff recommends approval of the
25 changes as noted.

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1 MS. ALFONSIN RUIZ: The reason why
2 it's mainly before you again is that
3 there were no restrictions for signage,
4 political signage, in commercial or
5 industrial areas. We have added
6 restrictions by stating that there's
7 only one sign allowed per issue or per
8 candidate. The size of the signage is
9 also another restriction.
10 The other issue that we addressed
11 was, there was no identifying factor for
12 the construction material and the
13 maintenance of the signs while they are
14 up, both in commercial, residential and
15 at campaign headquarters. We've added
16 that language.
17 And we've also added language as to
18 prohibitions on signs, illuminated
19 signs, neon signs, balloons, banners,
20 things of that nature. And, as Judge
21 Coe indicated, blimps over property.
22 CHAIRMAN KORGE: No American flags,
23 huh?
24 MS. ALFONSIN RUIZ: No flags. No
25 flags announcing a candidate or an

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1 issue. An American flag would be a
2 separate matter.
3 MR. SALMAN: Issue.
4 MS. ALFONSIN RUIZ: That's a
5 separate matter.
6 The political signs definition was
7 also rearranged, to make it meet what
8 the requirements are.
9 MR. SALMAN: And those requirements
10 include those of the State and other
11 regulating agencies?
12 MS. ALFONSIN RUIZ: Absolutely.
13 MR. SALMAN: Okay. That was my
14 comment.
15 MR. WELLER: Do I need to be sworn
16 in? Do I need to be sworn in?
17 CHAIRMAN KORGE: Wait, wait, wait,
18 wait. We're not -- we're not ready --
19 We're not ready for public comment.
20 Was there any additional
21 presentation on this you wanted to make
22 or --
23 MR. RIEL: I don't know --
24 MS. ALFONSIN RUIZ: Well,
25 that's --

1 MR. RIEL: He's obviously not
2 Martha, but --
3 MS. ALFONSIN RUIZ: Right.
4 MR. RIEL: It's Ed Weller, the
5 Director -- the Building and Zoning
6 Director.
7 CHAIRMAN KORGE: Yeah, okay.
8 MS. ALFONSIN RUIZ: Ed Weller was
9 going to address some issues as to --
10 CHAIRMAN KORGE: Are you finished?
11 MS. ALFONSIN RUIZ: Yes.
12 CHAIRMAN KORGE: You don't need
13 to --
14 MR. COE: I don't think he needs to
15 be sworn.
16 CHAIRMAN KORGE: You don't need to
17 be sworn in for legislative matters.
18 MR. WELLER: For the record, my
19 name is Ed Weller. I'm the Director of
20 Building and Zoning.
21 The only thing that I wanted to add
22 is that this ordinance is consistent
23 with the Dade County ordinance as it
24 relates to commercial campaign and
25 political signs, which is going to help

1 a lot, because it will help us with
2 facilitating the Code Enforcement
3 portion of this ordinance.
4 I mean, that's really the only
5 thing that I wanted to mention for the
6 record. I don't know if Martha has any
7 issue --
8 MS. SALAZAR-BLANCO: Basically,
9 that's it.
10 CHAIRMAN KORGE: When will it be in
11 effect?
12 MS. SALAZAR-BLANCO: Like Lourdes
13 was saying, we added the sections that
14 she mentioned, the commercial portion
15 and some other things that were not
16 there before, and I think this will help
17 Code Enforcement to enforce what we need
18 to do. And most importantly, we'll be
19 consistent with Miami-Dade County
20 standards.
21 CHAIRMAN KORGE: When does it take
22 effect?
23 MR. WELLER: I'm sorry?
24 CHAIRMAN KORGE: When would this
25 take effect?

1 MS. ALFONSIN RUIZ: It's going back
2 for first reading to the Commission --
3 MR. RIEL: It goes back for first
4 reading, so --
5 MS. ALFONSIN RUIZ: -- February
6 24th, and then --
7 MR. RIEL: March 10th.
8 MS. ALFONSIN RUIZ: -- it goes for
9 a second reading March 10th.
10 CHAIRMAN KORGE: Well, the reason I
11 ask is because we have an election --
12 MS. ALFONSIN RUIZ: I know.
13 CHAIRMAN KORGE: -- coming up in
14 April.
15 MS. ALFONSIN RUIZ: Right now,
16 we're following Miami-Dade County Code,
17 which is basically the same.
18 CHAIRMAN KORGE: Okay. Fair
19 enough.
20 MR. RIEL: And I don't know if I
21 missed this from Lourdes, but the
22 Commission, when they did take it for
23 first reading, they did change the time
24 frame, in terms of allowing the signs to
25 go up, from six months to three months.

1 So they made a more restrictive Code, so
2 I want to note that for the record.
3 MS. ALFONSIN RUIZ: Yes.
4 MR. AIZENSTAT: How do they treat
5 when a property is on the corner and you
6 have two streets? Are you allowed two
7 signs, one on each?
8 MS. SALAZAR-BLANCO: One.
9 MR. SALMAN: One sign.
10 MS. ALFONSIN RUIZ: No, one sign
11 per property.
12 MS. SALAZAR-BLANCO: One sign per
13 property --
14 MS. ALFONSIN RUIZ: One sign per
15 property per candidate and per issue.
16 MS. SALAZAR-BLANCO: Right.
17 CHAIRMAN KORGE: Why is that?
18 MS. SALAZAR-BLANCO: Why is that?
19 MR. COE: So you don't have a
20 proliferation of signs.
21 CHAIRMAN KORGE: If you've got two
22 streets, why would you have only one
23 sign?
24 MS. SALAZAR-BLANCO: Well, it's per
25 property and --

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1 MS. ALFONSIN RUIZ: It's per --
 2 MS. SALAZAR-BLANCO: We didn't do
 3 it per frontage. We just did it per
 4 property.
 5 MR. COE: It's not by streets, it's
 6 by property.
 7 MS. ALFONSIN RUIZ: It's by property.
 8 CHAIRMAN KORGE: That wasn't my
 9 question. I understand that.
 10 MS. SALAZAR-BLANCO: Why?
 11 CHAIRMAN KORGE: That's very clear,
 12 but why?
 13 MS. SALAZAR-BLANCO: We're just
 14 being consistent with Miami-Dade County
 15 standards, and it's one per property,
 16 and it's --
 17 CHAIRMAN KORGE: I'm not
 18 interested -- I don't mean to be rude,
 19 but I don't care what the County thinks.
 20 Why do you think --
 21 MS. SALAZAR-BLANCO: Well,
 22 personally, what I think, I will answer
 23 that.
 24 CHAIRMAN KORGE: What the City
 25 thinks.

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1 MS. SALAZAR-BLANCO: If you have,
 2 let's say, 10 candidates or five
 3 candidates or whoever is going for
 4 elections, and ballots, you're going to
 5 have perhaps 30 on one street, you're
 6 going to have 30 on the other street,
 7 and that, aesthetically, looking at it,
 8 is not very pleasing, to see all this.
 9 I think one per property is more than
 10 enough.
 11 MS. ALFONSIN RUIZ: It also creates
 12 liability issues with somebody that's
 13 driving and looking at signs.
 14 MR. COE: Correct.
 15 CHAIRMAN KORGE: That's not a
 16 legitimate -- that's not legitimate.
 17 MS. ALFONSIN RUIZ: Absolutely.
 18 Absolutely.
 19 CHAIRMAN KORGE: Absolutely not.
 20 You're saying that if you have a sign in
 21 your yard, you're creating a hazard, and
 22 therefore we should just ban all the
 23 signs?
 24 MS. ALFONSIN RUIZ: If you have 10
 25 issues, 10 candidates --

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1 CHAIRMAN KORGE: No, I didn't --
 2 MS. ALFONSIN RUIZ: -- that means
 3 you have 20 signs on one side and 20
 4 signs on another.
 5 CHAIRMAN KORGE: What I asked --
 6 What I asked is, when you're on a
 7 corner --
 8 MR. COE: Mr. Chair --
 9 CHAIRMAN KORGE: I'm asking a
 10 question, excuse me.
 11 You're on a corner, on two
 12 streets -- because I live on a corner
 13 street, so I understand the issue.
 14 You're on a corner. You've got two
 15 streets. You want to put a sign facing
 16 one street and a sign facing the other
 17 street, and the answer I'm given is that
 18 it clutters, it's a hazard? I mean,
 19 really, what's the real answer? You
 20 just don't want them?
 21 MS. SALAZAR-BLANCO: Well, no,
 22 that's one of the reasons. Another
 23 reason is, we're also trying to be
 24 consistent with the rest of the sign
 25 provisions that we have in the Code.

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1 Real estate signs, we only allow one per
 2 property. We're being consistent with
 3 all the sign provisions of the Code,
 4 so --
 5 CHAIRMAN KORGE: I understand, but
 6 this is fundamentally different from
 7 real estate signs. This is not
 8 commercial. This is political. It's a
 9 different interest --
 10 MR. COE: Well, why not have 10
 11 signs?
 12 CHAIRMAN KORGE: Pardon me?
 13 MR. COE: Why not have 10 signs per
 14 candidate? Why cut it off? Why one?
 15 Why two? Why not 10? You know, what's
 16 the difference?
 17 MS. KEON: The intention of a sign
 18 is to be visible. It's an
 19 advertisement.
 20 CHAIRMAN KORGE: On the street.
 21 That's the point of it.
 22 MR. COE: But why say you should
 23 have one here or one there? The City
 24 has made a determination that one is
 25 sufficient per candidate per property.

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1 And you say, "Well, if there's two
 2 streets, we should have two." Well, if
 3 you have two, why can't you have 20 or a
 4 hundred per candidate?

5 CHAIRMAN KORGE: Because there
 6 aren't 20 streets per block.

7 MR. COE: Why does the streets
 8 have -- Why is the streets the relevant
 9 factor?

10 CHAIRMAN KORGE: The signs are
 11 advertisements to people who drive by.

12 MS. KEON: Or walk.

13 CHAIRMAN KORGE: Or walk. If they
 14 drive by on one street and it's not on
 15 that street, they don't see it. That's
 16 why, if you have a property -- Let me
 17 finish. Don't look at me like I'm an
 18 idiot. We have a property that's --
 19 You've got a property that's a whole
 20 block. You're saying you can only have
 21 one sign on that block, you can't have
 22 one sign on each street. I'm just
 23 asking a very legitimate question.

24 MR. COE: And if there's three
 25 streets, there should be three signs?

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1 CHAIRMAN KORGE: One for each
 2 street, yes.

3 MR. COE: So, in other words, the
 4 criteria shouldn't be properties, it
 5 should be streets?

6 CHAIRMAN KORGE: That's correct.
 7 That's correct. That was the question I
 8 asked. Why wouldn't it be streets per
 9 property, and the answer I got was,
 10 because everybody else does it that way.

11 MR. COE: No, because then we'd be
 12 at variance with the Dade County Code.

13 MS. KEON: That's okay. We
 14 already --

15 MR. SALMAN: We already are at
 16 variance.

17 MS. KEON: We already do.

18 CHAIRMAN KORGE: Yeah, so --

19 MR. COE: Well, no, this is
 20 consistent with Dade County.

21 MS. SALAZAR-BLANCO: Also, we have
 22 the waterways, we have the golf courses,
 23 that are also considered --

24 MR. SALMAN: Public rights-of-way.

25 MS. SALAZAR-BLANCO: -- public

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1 right-of-way, so the same question, and
 2 we're going to have it in the front, in
 3 the side street, in the waterways, in
 4 the golf courses.

5 CHAIRMAN KORGE: Well, I don't
 6 think you get a lot of traffic on the
 7 waterway. On the golf courses, I
 8 suspect that the people who own the golf
 9 courses really don't want to see any
 10 signs. But on the streets, it's a
 11 political sign, and it just seemed to me
 12 reasonable to allow one sign per street.
 13 That's all I'm saying. And the answer I
 14 get back is, "Well, the County does it
 15 that way and that's why we're doing it."

16 MR. SALMAN: But that would create
 17 more political importance to those who
 18 live on corners, and they would get an
 19 extra vote. Are you saying
 20 that everyone who lives on a corner --

21 CHAIRMAN KORGE: Listen, I'm done.
 22 I'm done with my questions.

23 MR. SALMAN: Is that what you plan
 24 to do?

25 CHAIRMAN KORGE: I've caused enough

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1 trouble.

2 MR. SALMAN: Do you live on a
 3 corner here? Is that what you want?
 4 You want an extra vote, right?

5 CHAIRMAN KORGE: I'm on a corner.

6 MR. SALMAN: No, I'm sorry, it's
 7 one per lot. One per lot, and that's
 8 it. Sorry.

9 MR. AIZENSTAT: Let me ask you a
 10 question. I've seen signs for roofing
 11 companies that are doing roofs
 12 throughout the Gables. They've put up a
 13 sign, up by the roof, stating their
 14 name, while they're doing the roof. Is
 15 that something that's allowed?

16 MS. SALAZAR-BLANCO: No.

17 MR. AIZENSTAT: Okay.

18 MS. SALAZAR-BLANCO: It's one sign
 19 that can advertise the contractor, the
 20 architect, everybody in that one sign.

21 MR. AIZENSTAT: But can they put it
 22 on the roof? Are you allowed -- Is
 23 there anything in here that states that
 24 a sign has to be at ground level?

25 MS. SALAZAR-BLANCO: On this

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1 ordinance, no.
 2 Does it?
 3 MR. WELLER: No.
 4 MR. AIZENSTAT: So, in other words,
 5 if Mr. Korge wanted to be able to see
 6 both sides, he can technically put it on
 7 the roof --
 8 MR. COE: I don't think you can do
 9 that. There's another -- there's
 10 another ordinance.
 11 MS. ALFONSIN RUIZ: But there's a
 12 section that says --
 13 MR. WELLER: Under the campaign
 14 headquarters, I think it limits it to
 15 eight feet.
 16 MS. SALAZAR-BLANCO: No, he's
 17 talking about, is there --
 18 MR. WELLER: Shall not be more than
 19 eight feet.
 20 MR. AIZENSTAT: Should we try to be
 21 very specific as to, it must be at
 22 ground level as opposed to being on
 23 somebody's roof?
 24 MR. COE: But there's another
 25 ordinance that prevents stuff from being

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1 put on the roof.
 2 MS. SALAZAR-BLANCO: It does say
 3 here, it says --
 4 MR. WELLER: No more than eight
 5 feet.
 6 MS. SALAZAR-BLANCO: Well, for
 7 campaign headquarter signs, no more than
 8 eight feet above the ground, and
 9 commercial, it just says it can be
 10 attached to the window glass or window.
 11 It has the area that it could be. Let
 12 me see. Single-family residence, five
 13 feet away from the public right-of-way,
 14 but it does not say the --
 15 MR. AIZENSTAT: The height.
 16 MS. SALAZAR-BLANCO: -- height
 17 limitation. That's correct.
 18 MR. AIZENSTAT: Right, so that
 19 would be my question. Could that be a
 20 way that Mr. Korge could get away
 21 with -- or anybody that would want to
 22 have their sign more visible, to go
 23 higher up? And is that something that
 24 would be standard with Dade County? Is
 25 that something that we need to look at,

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1 or are we okay with it?
 2 MR. SALMAN: What you need is a
 3 rotating sign on the corner.
 4 MS. ALFONSIN RUIZ: I believe that
 5 in the prohibitions under Subsection E,
 6 it says what's prohibited, and it
 7 includes reflective material, flags,
 8 streamers, movable items, fluttering,
 9 spinning, rotating or similar
 10 attention-getting devices, and I believe
 11 a sign on a roof is definitely -- when I
 12 see it at Tom's house, I will send Code
 13 Enforcement out there to cite him,
 14 because it is an attention-getting
 15 device.
 16 CHAIRMAN KORGE: First you have to
 17 send someone out to my house to put it
 18 up, because I'm not going to do it.
 19 MS. ALFONSIN RUIZ: Right.
 20 MR. COE: Thank you.
 21 CHAIRMAN KORGE: Thank you.
 22 Is there any more discussion? Is
 23 there a motion?
 24 MR. COE: I move the City's
 25 recommendation.

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1 CHAIRMAN KORGE: Second?
 2 MR. SALMAN: I'll second it.
 3 Nobody else wants to.
 4 CHAIRMAN KORGE: It's a second.
 5 A motion and a second to approve
 6 the recommended changes in the
 7 ordinance.
 8 MS. KEON: Do you want an
 9 amendment?
 10 CHAIRMAN KORGE: No, I don't want
 11 any amendments.
 12 Any more discussion? Let's call
 13 the roll on this, please.
 14 MS. MENENDEZ: Javier Salman?
 15 MR. SALMAN: Yes.
 16 MS. MENENDEZ: Eibi Aizenstat?
 17 MR. AIZENSTAT: Yes.
 18 MS. MENENDEZ: Jack Coe?
 19 MR. COE: Yes.
 20 MS. MENENDEZ: Jeff Flanagan?
 21 MR. FLANAGAN: Yes.
 22 MS. MENENDEZ: Pat Keon?
 23 MS. KEON: Yes.
 24 MS. MENENDEZ: Tom Korge?
 25 CHAIRMAN KORGE: Yes.

