

CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
ZONING CODE REWRITE
VERBATIM TRANSCRIPT

CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES
SEPTEMBER 14, 2005, 6:20 P.M.

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Board Members Present:

- Tom Korge, Chairman
- Eibi Aizenstat, Vice-Chairman
- Cristina Moreno
- Robert Behar
- Pat Keon
- Javier Salman

City Staff:

- Eric Riel, Jr., Planning Director
- Walter Carlson, Assistant Planning Director
- Elizabeth M. Hernandez, City Attorney
- Margaret Pass, Building & Zoning Director
- Scott Bolyard, Planner
- Jill Menendez-Duran, Administrative Assistant

Also Participating:

- Jennifer Cohen Glasser, Esq.
- Robert S. Glazier, Esq.

Public Speakers:

- Larry Gordon

1 THEREUPON:

2 The following proceedings were had:

3 MS. MENENDEZ-DURAN: Eibi Aizenstat?

4 MR. AIZENSTAT: Here.

5 MS. MENENDEZ-DURAN: Robert Behar?

6 MR. BEHAR: Here.

7 MS. MENENDEZ-DURAN: Pat Keon?

8 MS. KEON: Here.

9 MS. MENENDEZ-DURAN: Cristina Moreno?

10 MS. MORENO: Here.

11 MS. MENENDEZ-DURAN: Javier Salman?

12 Michael Tein?

13 Tom Korge?

14 CHAIRMAN KORGE: Here.

15 Thank you. Now we can approve our minutes
16 of the meeting of August 10th. I'd entertain a
17 motion to approve those minutes.

18 Does anybody want to move to approve the
19 minutes of August 10th?

20 MS. MORENO: I'll move to approve.

21 MR. AIZENSTAT: I'll second.

22 CHAIRMAN KORGE: It's been moved and
23 seconded. Any discussion, corrections, changes,
24 questions?

25 None. Let's call the vote on that, please.

1 MS. MENENDEZ-DURAN: Robert Behar?

2 MR. BEHAR: Yes.

3 MS. MENENDEZ-DURAN: Pat Keon?

4 MS. KEON: I wasn't in attendance.

5 MS. MENENDEZ-DURAN: Cristina Moreno?

6 MS. MORENO: Yes.

7 MS. MENENDEZ-DURAN: Eibi Aizenstat?

8 MR. AIZENSTAT: Yes.

9 MS. MENENDEZ-DURAN: Tom Korge?

10 CHAIRMAN KORGE: Yes.

11 Eric, I think you're next on the agenda.

12 MR. RIEL: Yes. I have an item. Typically,
13 I have this at the end of the agenda, but I wanted to
14 try to discuss it with the Board early on.

15 In August, late August, the City Commission,
16 as a part of their City Commission items, requested
17 the Manager schedule a workshop with City Staff and
18 the Commission to specifically discuss the Zoning
19 Code rewrite, specifically relative to providing them
20 an update in terms of where we are, how we are
21 progressing, and as you know, we're working on
22 various different things, including the Comprehensive
23 Land Use Plan, the zoning maps, the Comprehensive
24 Land Use Plan maps, an Affordable Housing Study,
25 North Ponce Study.

1 So the intent was to kind of get a progress
2 in terms of where we're going with all those, and
3 this came to light, if you recall, about a month ago.
4 We brought to you the inconsistent zoning maps, and
5 they wanted to basically be provided an update. And
6 we have gone, basically, every three months, under
7 the regular meeting format, but they felt that they
8 would like to interact with Staff on a more, you
9 know, informal level.

10 So what they've done is, they've scheduled a
11 workshop for October 5th at 8:30 a.m., at the
12 Biltmore Hotel, the Danielson Room, and again, the
13 intent is to try to provide some direction on various
14 issues.

15 As you know, over the past couple months,
16 the issues that have gained a lot of attention are
17 the single-family design, the commercial zoning
18 districts. So the intent is to try to focus the
19 discussion on that, in addition to updating them.

20 As a result of that, what I am suggesting
21 is that we cancel the September 21st and the 28th
22 meetings, because I think it's very -- I think it
23 would be more productive if we heard from the
24 Commission if they have any particular issues, and
25 then what we'll do is, we'll reschedule those items

1 at a later date, after the 5th, and I also would
2 suggest that, although public input would not be --
3 it is not the intent to secure public input that
4 evening (sic), it's more to interact with City Staff,
5 I would suggest that perhaps the Vice Chair and the
6 Chair attend the meeting, and if they would like to,
7 you know, interact with the Commission and provide
8 some -- in terms of the progress to date, and also,
9 if any Members of the Board would desire to come, the
10 intent is, again, to just update them. It's from
11 8:30 to 12:00.

12 We initially did such a workshop, when we
13 first started this process, and I can tell you, from
14 Staff's viewpoint, it was very, very productive. We
15 got a lot of good direction, and they actually asked
16 us to remind them what they said in the beginning, so
17 that's where we're going to kind of start.

18 So what I'm suggesting is, again, that we
19 cancel the next two meetings. I'll publish the new
20 schedule, I'll let people know, and probably you
21 won't see a new schedule until after October 5th.

22 MS. MORENO: This is a Wednesday, Eric?

23 MR. RIEL: It's a Wednesday. It's a
24 Wednesday morning, yes.

25 MR. AIZENSTAT: Do you need a motion from us

1 to cancel those meetings or anything, or --

2 MR. RIEL: I'm sure it wouldn't hurt, but,
3 you know, really, I just -- I will let people know
4 that they --

5 MR. AIZENSTAT: You'll let people know --

6 MR. RIEL: Yeah, I'll let people know.

7 MR. AIZENSTAT: -- through the various
8 sources, in case --

9 MR. RIEL: They were special meetings,
10 anyway, to just discuss the Zoning Code. One of the
11 issues was the North Ponce Study. I will let those
12 people know who showed up at the first meeting, when
13 we discussed it preliminarily, that we'll be
14 continuing that, and the other is the Landscape Code.
15 So I'll let -- I have a distribution -- an e-mail
16 distribution list, and we'll mail out a specific
17 letter, letting those folks know, and it's well
18 enough in advance that I'm sure people won't have a
19 problem not coming to a meeting.

20 So that's basically all I have.

21 CHAIRMAN KORGE: You might want to ask the
22 Manager if the Commission wants us present or not?

23 MR. RIEL: I will -- I'll do that.

24 CHAIRMAN KORGE: If they don't, then we --
25 you know, just let us know and we won't.

1 MR. RIEL: I mean, certainly, as a member of
2 the public, you're welcome to attend, but I think it
3 would be very -- very, very good for, you know, the
4 Chair and the Vice Chair and any of the Board Members
5 to come hear, directly from the Commission, some of
6 the issues that have been coming up to them, so --

7 CHAIRMAN KORGE: Okay.

8 MR. RIEL: I will advise you if there is
9 somewhat of a concern, but I wouldn't suspect.

10 MS. MORENO: Eric, I think that at least I
11 would be willing to attend if the Commission found it
12 helpful, but I have no desire to intrude if that --

13 MR. RIEL: Absolutely.

14 MS. MORENO: -- if it would impede the
15 discussion.

16 MR. RIEL: I fully understand that, and I
17 broached the idea with the Manager and he felt very
18 positive towards that, but obviously it's -- he needs
19 to talk to the Commission. So I'll advise you.

20 MS. MORENO: I think that's what Tom was
21 saying.

22 CHAIRMAN KORGE: Yeah.

23 MR. RIEL: I'll advise you. I'll let you
24 know in the next week or so.

25 That's all I have, in terms of that.

1 CHAIRMAN KORGE: Okay. Thank you very much.

2 The next item is Number 5, which is a review
3 of Articles 4 and 5 of the Code rewrite; is that
4 right, Eric?

5 MR. RIEL: That's correct. Article 4 is --
6 specifically, Division 4, we're talking about
7 prohibited uses. Section 4-411, parking in
8 residential areas, and in Section 4-112, trucks,
9 trailers, commercial vehicles and recreational
10 vehicles. And we're also going to be discussing
11 definitions.

12 Basically, this is the issue of the parking
13 of trucks in residential areas, in summary, and then
14 the second item is Article 5, political signs.

15 CHAIRMAN KORGE: In which order do you want
16 to take them?

17 MS. HERNANDEZ: Trucks first.

18 MR. RIEL: Trucks first.

19 MS. HERNANDEZ: Yeah.

20 Okay, Mr. Chairman and Members of the Board,
21 we have here today Margaret Pass, from the Building &
22 Zoning Department, who is going to do a brief
23 presentation on, under our present Code, what is
24 determined to be illegal and cited by Code
25 Enforcement as a violation of our Code, and then, if

1 the amendment is passed, what would be legal.

2 And we also have our special counsel. We
3 have, as you know, a case that is pending in the
4 courts. They're here, not to talk about the case,
5 because, you know, we have summary judgments that are
6 pending. I have copies of our motions for summary
7 judgment that we'll distribute to you for information
8 purposes.

9 The review of the truck ordinance is part of
10 the Zoning Code rewrite. It's a specific portion,
11 just like we did with lot separations, because
12 they're popular ordinances in the City, and we took
13 advantage of their expertise, and they provided two,
14 you know, potential ways that we could go with regard
15 to any amendments, if this Board would choose to make
16 those recommendations, and if we first can hear from
17 Margaret Pass, you can see what, right now, is not
18 allowed in the City.

19 MS. PASS: Good evening. I'm Margaret Pass,
20 with the Building & Zoning Department.

21 What we're going to show you on a PowerPoint
22 presentation -- and this is for right-handed, right?

23 Currently, this is what is -- as far as our
24 Zoning and Code Enforcement, are illegal vehicles by
25 our current Zoning Code. These are the different

1 types of vehicles that have been cited by Code
2 Enforcement.

3 And here's some other illegal vehicles in
4 the City, unless they are completely enclosed by a
5 garage.

6 These are legal vehicles that can sit out in
7 front of your home and are considered meeting our
8 Code.

9 Some more legal vehicles.

10 The proposed changes that are before you --
11 it clarifies the definition of the trucks, it
12 redefines the term commercial vehicles, and it adds
13 limitations to prohibition of parking pickup trucks
14 on residential property.

15 Under Version A, it's more liberal. It
16 permits parking of trucks in the residential area, as
17 long as the pickup truck's cargo area is covered with
18 a firm cover. The Escalade that you see currently is
19 illegal. Under this version, it would be legal and
20 would be allowed to be parked in the front of the
21 residence.

22 Under Version B, it's more restrictive, and
23 it would require that it be garaged or concealed from
24 view on three sides. Unfortunately -- or a permitted
25 structure or hedge, so if you parked behind the

1 hedge, where it could not be seen from the street.

2 This garage is actually -- they could not
3 find one today that was open, that was just one bay,
4 because this -- if a car was parked in there, we
5 would consider that illegal, because it's not
6 enclosed on three sides and you'd be able to see,
7 from the street, the vehicle side.

8 So, if we were out looking for a violation,
9 we would consider that one a violation, unless it was
10 one bay and it was facing forward, where you couldn't
11 see the side or back of the vehicle.

12 MR. AIZENSTAT: Could -- I don't mean to
13 stop you, but could a person put some kind of a
14 curtain or divider in between?

15 MS. PASS: Well, there's several conditions
16 like this out there where there's actually a concrete
17 wall between the two, with a little walk -- a door,
18 but it's not a door, it's just an opening to go
19 between the two bays, and in the older houses, you
20 find that occurs a lot.

21 Under Version A, it can be throughout the
22 City. Under Version B, we have the North Gables,
23 that they may not have an area to be able to pull a
24 car or pull a truck in the back of the -- or
25 behind -- or the side or behind the residence,

1 because of the narrowness, and they don't have a
2 carport or a garage, in some instances. But as you
3 go further south, the lots are larger. They have the
4 ability to pull them, you know, on the side or in the
5 back and be covered from view.

6 And that's basically it.

7 MR. AIZENSTAT: But going back to my
8 question, if they put a curtain in between, would
9 that make it legal?

10 MS. PASS: It would. Yes, it would cover
11 it.

12 MR. AIZENSTAT: Because it would cover the
13 sides, so it would be --

14 MS. PASS: Yes, sir.

15 MR. AIZENSTAT: -- technically legal?

16 MS. PASS: Uh-huh.

17 MR. AIZENSTAT: Thank you.

18 MS. PASS: This one happens to have doors,
19 so they could also pull one side down, so you
20 wouldn't see the side or the back.

21 MR. AIZENSTAT: Thank you.

22 MS. KEON: Excuse me, could you say that
23 again? So, if they had one door closed, then it
24 would be legal?

25 MS. PASS: Yes, it would, under Version B,

1 if it was turned around, and facing the front, where
2 you couldn't see the side or the back --

3 MS. KEON: Right.

4 MS. PASS: -- of the vehicle. That's the
5 version that's being -- that's before you. Version A
6 and B. A is more liberal.

7 MS. KEON: Right, but under either of these
8 versions, then, it would be acceptable if one of
9 those bays were closed -- or if the bay that's
10 unoccupied were closed?

11 MS. PASS: Yes, as long as you don't have
12 the view of the back or side of that vehicle.

13 MS. KEON: Right, right, if they backed in.

14 MS. PASS: So they'd have to back in, for
15 you to see the front of the vehicle.

16 From an enforcement standpoint, A is much
17 easier for us, because if you have pickup trucks that
18 don't have a cover on the back, we would be citing
19 them if they were sitting outside a residence.

20 Thank you.

21 MS. HERNANDEZ: Mr. Chair, I just want to
22 introduce Jennifer Glasser and Robert Glazier. They
23 are our outside counsel. I believe the summary
24 judgments on the underlying case are set for --

25 MR. GLAZIER: Next Wednesday.

1 MS. HERNANDEZ: -- next Wednesday. So we
2 are proceeding on that case on a parallel track.
3 There's been another appeal that's been filed, as
4 well as a complaint for injunction in the enforcement
5 of our present ordinance. We feel that we're in
6 capable hands and that they will be utterly
7 successful, so we're looking at this, these
8 provisions, independent of those cases.

9 CHAIRMAN KORGE: Well, I'm kind of curious.
10 I don't know who to ask, but what's the reason for
11 the current ban on pickup trucks in the City?

12 MS. HERNANDEZ: From what we could tell,
13 because every five or six years -- and Walter has
14 been here longer than I have, but about every five or
15 six years, there is this movement afoot in the City
16 by certain residents that do have these commercial
17 vehicles, because, you know, it's become more popular
18 for teenagers and individuals that use them as their
19 personal vehicle versus a commercial vehicle.

20 When the ordinance was first adopted, and
21 maybe Margaret can also participate in the
22 discussion, it was really to limit individuals having
23 junk, you know, cargo, in their pickup truck, and so
24 the Commission adopted ordinances banning commercial
25 vehicles, which, you know, we're not even touching,

1 because we believe that that --

2 CHAIRMAN KORGE: Right.

3 MS. HERNANDEZ: As well as open bed pickup
4 trucks, because the idea was to preserve the
5 aesthetic quality of the single-family residential
6 area of the City, and that was really a way to
7 regulate.

8 We've had three challenges to the ordinance,
9 and we've been successful in defending the
10 ordinance. Individuals have moved away, on issues of
11 mootness, you know, on different -- this is the first
12 time that the actual constitutionality of the
13 ordinance is being reviewed by a court.

14 MS. PASS: I would like to say, talking with
15 Dennis Smith, my Assistant Building & Zoning
16 Director, in a discussion of how this came about, it
17 was many, many years ago, and at the time, trucks
18 were really only used for commercial endeavors.
19 People didn't have trucks as their means of, you
20 know, driving around. It was really for a commercial
21 use. And that's the banning that we see, and what we
22 find, in history, was one of the reasons for it
23 originally coming forward, was the banning.

24 CHAIRMAN KORGE: What about the idea of just
25 banning the use of the flatbeds to carry cargo? In

1 other words, if the problem today, other than
2 commercial --

3 MS. HERNANDEZ: Right.

4 CHAIRMAN KORGE: -- trucks that have
5 advertising on them, is that we don't want an
6 unsightly appearance, and the unsightly appearance is
7 derived from the cargo that's carried in the truck,
8 why don't we just ban the cargo, instead of, as an
9 alternative, providing for requiring a cover? And
10 the reason I ask it is because, you know, what if
11 they don't have a cover?

12 MS. HERNANDEZ: Right --

13 CHAIRMAN KORGE: And let me --

14 MS. HERNANDEZ: -- and I guess what you're
15 looking at is the people who presently have a vehicle
16 that doesn't have a cover. I don't think that we
17 make provision for people being able to have covers
18 manufactured, because you're requesting factory-
19 installed covers, right?

20 MS. PASS: Well, it says a firm cover, and
21 even though it may have a cover, and we still
22 continue to cite them because they're considered
23 pickup trucks --

24 CHAIRMAN KORGE: Well, let's back up for a
25 minute, because the concern is not just the residents

1 who own a pickup truck and use it for personal
2 transportation, but also people who want to visit the
3 residents, and the problem that I see would be, an
4 individual comes to visit a friend in the
5 neighborhood and they're driving a pickup truck. If
6 the pickup truck is used for personal purposes, and
7 it's not carrying cargo --

8 MS. HERNANDEZ: Uh-huh.

9 CHAIRMAN KORGE: -- where -- I'm not sure I
10 see where the harm is to our City, in terms of the
11 aesthetic values that we're promoting by limiting the
12 parking of commercial-type vehicles in the City --

13 MS. HERNANDEZ: Right.

14 CHAIRMAN KORGE: -- in off hours, non-
15 business hours.

16 MS. HERNANDEZ: Well, I think -- yeah, you
17 know, it's a very valid point that you're raising,
18 but I think it becomes very subjective for a Code
19 Enforcement officer, because I don't think that if
20 someone has put their golf clubs in the back, so that
21 they could go play golf, you're looking at an
22 aesthetically unpleasing, you know, equipment in the
23 back bed. It becomes --

24 CHAIRMAN KORGE: It depends on their
25 handicap.

1 MS. HERNANDEZ: Well, I know, right.
2 Perhaps for me, it would be, but if -- you know,
3 there's clear cases, if there's garbage in the back,
4 that obviously, that's not aesthetically pleasing.
5 That's really going to impact, you know, our
6 residences, because we're trying to preserve beauty
7 in our single-family residential area, and we're
8 also -- you know, we also have safety concerns. The
9 last thing you want is those things flying out of an
10 open-bed truck, you know, debris on the street,
11 causing accidents. Those are clearly concerns that
12 the City enforces and continues to enforce.

13 So those are legitimate concerns. The
14 question is, you know, what if there's some debris or
15 something -- you know, you have to go in and look
16 into the truck. You know, I think it becomes an
17 enforcement issue, or nightmare.

18 MR. AIZENSTAT: But those debris are going
19 to be there during the day, also, during the hours
20 that you're allowed to have a pickup truck within the
21 City, and park it, because you're working --

22 MS. HERNANDEZ: Right.

23 MR. AIZENSTAT: -- or whatever endeavor
24 you're undertaking.

25 MS. HERNANDEZ: Which, if you're visiting,

1 you also have -- you know, the Code does allow, you
2 know, certain hours of the day.

3 MR. AIZENSTAT: You're not allowed from 7:00
4 p.m. to 7:00 a.m.; is that correct?

5 MS. HERNANDEZ: Right.

6 MS. PASS: That's correct.

7 CHAIRMAN KORGE: So, if someone wants to
8 come in the evening to visit you in their pickup
9 truck, legally, they can't do it.

10 MS. HERNANDEZ: Well, it depends. For
11 example, I would want them to leave by 7:00 p.m.,
12 but, you know -- and I would say, "Oh, my God, the
13 truck code, leave." But yes, you're right. You're
14 right, all kidding aside.

15 CHAIRMAN KORGE: I think the reason why
16 we're talking about this now is not because the old
17 rule was unreasonable, but circumstances have
18 changed.

19 MS. HERNANDEZ: Right.

20 CHAIRMAN KORGE: As you said, you know, all
21 of a sudden Humvees -- the military vehicle is now
22 considered a luxury item that people drive, you know.

23 MS. HERNANDEZ: Right.

24 CHAIRMAN KORGE: So -- and SUVs became
25 popular in the last few years, so I don't know. I

1 mean, I think we really should look at, you know,
2 the --

3 MS. HERNANDEZ: Various alternatives.

4 CHAIRMAN KORGE: The alternatives, to see
5 the least intrusive manner to protect the City
6 against, you know, the unsightly commercial vehicles
7 being, you know, constantly left by the -- you know,
8 in the parking areas of the City.

9 MS. HERNANDEZ: Right. Well --

10 MS. MORENO: The problem I see with that is
11 that, how do you differentiate between the brand new
12 truck of the kid who wants a truck and has nothing in
13 it and the pickup truck of a -- you know, of a worker
14 that's all beat up and it's really unsightly and it's
15 parked across the street from me?

16 MS. HERNANDEZ: Right.

17 MR. BEHAR: But if that pickup truck, the
18 beat-up pickup truck, has a cover, it would still be
19 okay.

20 MS. MORENO: Well --

21 MS. HERNANDEZ: No, but if it's hidden from
22 view.

23 MS. MORENO: Well, if it's covered, at least
24 you're not seeing all the junk.

25 MR. BEHAR: The bed liner? But, you know,

1 you've still got a beat-up pickup truck. So I agree
2 with Tom. It's --

3 MR. AIZENSTAT: By the same token, aren't
4 there unsightly vehicles and cars that you see on the
5 street, that you would say they're unsightly? How do
6 you get into that? One of the ways -- or one of the
7 items that I see is, I see a lot of these new SUVs
8 that have a very small pickup truck area in the
9 back --

10 MS. HERNANDEZ: Right.

11 MS. AIZENSTAT: -- such as you have depicted
12 on your slide show, at the very beginning, and I'm
13 wondering if we can take a look at the size of the
14 cargo area as maybe, at some point, a factor, because
15 those types of vehicles have a smaller cargo area
16 than would a certain half ton or three quarter ton or
17 a bigger vehicle.

18 MS. HERNANDEZ: And remember, we don't look
19 at whether it's a three quarter ton or -- we look at
20 purely --

21 CHAIRMAN KORGE: Truck.

22 MS. HERNANDEZ: -- you know, is it an open
23 bed? You know, that's it. We don't go through DOT
24 or F -- you know, any definitions, Federal Highway.

25 MR. BEHAR: Right.

1 MS. HERNANDEZ: Our definition is what we
2 apply: Is there an open cargo area?

3 CHAIRMAN KORGE: And you do want to keep it
4 simple.

5 MS. HERNANDEZ: You have to.

6 MS. MORENO: But some of these look like the
7 cargo area is closed, right?

8 MS. PASS: Yes, and that's -- I'm just going
9 to tell you from --

10 MR. AIZENSTAT: The very first picture.

11 MS. MORENO: The second one. I think it's
12 the second slide. No -- right there. That red one
13 down there, isn't that closed?

14 MS. PASS: Yes, it has a cover on it, but we
15 would still -- under our current ordinance and how we
16 view it, it would still be a pickup truck that we
17 would cite, and what has happened over the years is
18 that we've gotten these vehicles that are like
19 transformers, that open up and become another type
20 of -- you know, and they start blurring that line as
21 to, you know, what's legal and what's not, and we've
22 always said these are illegal, whether you have a
23 cover or not. So we're saying, change the Code.

24 CHAIRMAN KORGE: So why don't we focus on
25 what makes -- why don't we focus on what makes it

1 unsightly, and it's not the nature of the vehicle,
2 it's what they're carrying or what they're displaying
3 in terms of signage, which is already covered and
4 it's not on the table here for discussion.

5 MS. HERNANDEZ: Right, that's commercial
6 vehicles. That's, you know --

7 MR. AIZENSTAT: But if you're looking at
8 unsightly, then why only trucks?

9 MS. HERNANDEZ: Right.

10 MR. AIZENSTAT: I think you're caught in a
11 gray area. You'd be saying that car is unsightly,
12 that car is not. I don't know.

13 MR. BEHAR: Well, I think Tom is referring
14 to what's in back of the cargo area.

15 CHAIRMAN KORGE: Right, open.

16 MR. BEHAR: Yeah, does it project above --
17 you know, visually above the line of the bed.

18 MS. HERNANDEZ: Right, and remember, we're
19 also looking at, is something capable of falling out
20 of that vehicle, you know, or is a child able to go
21 up to the trunk of that vehicle and pull out
22 something and, you know, injure themselves?

23 CHAIRMAN KORGE: Right.

24 MS. HERNANDEZ: I mean, we have safety and
25 we have aesthetic concerns, you know, and I guess the

1 ones with the smaller cargo area perhaps -- you know,
2 but again, you make it a very subjective issue for
3 the Code Enforcement officers.

4 CHAIRMAN KORGE: Well, I wouldn't make it
5 subjective. I'd make it black and white --

6 MS. HERNANDEZ: Right.

7 CHAIRMAN KORGE: -- that there would be no
8 cargo, open cargo, in any vehicle, so that it doesn't
9 matter whether it's a pickup truck or whatever it
10 is. If there's cargo there, it has to be covered.

11 MR. AIZENSTAT: And by covering, do you
12 mean it has to be flush with the sides of the truck?
13 Could it be a cargo that is covered as a mountain?

14 CHAIRMAN KORGE: Well, I really hadn't
15 given it that much thought, but I think what has been
16 suggested here was that it would be flush with the
17 vehicle.

18 MR. BEHAR: You want to keep it flush,
19 because if you have a covered cargo above, you know,
20 the roof line, that's unsightly.

21 MR. AIZENSTAT: Well, even above the roof
22 line -- I would think even above the side walls.

23 MS. HERNANDEZ: So you would add to Section
24 411 any pickup truck with cargo? You see little (a),
25 little (b) -- "It shall be unlawful for any person to

1 park any vehicle displaying advertising signs or any
2 pickup truck with cargo -- "

3 CHAIRMAN KORGE: Well, I drafted something.

4 MS. HERNANDEZ: Unless -- oh, okay. Well,
5 there you go.

6 CHAIRMAN KORGE: 3b would be pickup trucks
7 not being used or maintained as commercial vehicles,
8 and --

9 MS. HERNANDEZ: Wait a minute. 3 what, 2b
10 or --

11 CHAIRMAN KORGE: I'm looking at the memo.

12 MS. HERNANDEZ: Oh, I'm sorry.

13 CHAIRMAN KORGE: I was on the -- there was a
14 memo.

15 MS. HERNANDEZ: We were not looking at the
16 memo.

17 CHAIRMAN KORGE: Was there a -- should I go
18 to the ordinance?

19 MS. HERNANDEZ: No, no, that's okay. We can
20 go right to the memo.

21 CHAIRMAN KORGE: Well, just basically --

22 MS. HERNANDEZ: Go ahead, 3b.

23 CHAIRMAN KORGE: Just adding the pickup
24 trucks that -- that contain -- oh, this is an
25 exception. Wait a minute.

1 MS. HERNANDEZ: Right. That's why I was
2 going specifically to the ordinance.

3 MR. AIZENSTAT: What page would the
4 ordinance be in?

5 MS. HERNANDEZ: I believe it would be
6 parking in residential areas, Section 4-411. The
7 first thing would be, (a), "It shall be unlawful for
8 any person to park any vehicle displaying any" --
9 "displaying advertising signs, or any pickup truck
10 with cargo."

11 CHAIRMAN KORGE: Containing cargo that has
12 not been covered by -- whatever, however you describe
13 the cover. It's flush with the --

14 MS. MORENO: Well, you've got that. Look at
15 Number 3.

16 CHAIRMAN KORGE: Number 3?

17 MS. HERNANDEZ: Containing cargo which is
18 visible, you know --

19 MS. MORENO: But look at Number 3 of the
20 exceptions. "This prohibition shall not apply in the
21 following cases."

22 CHAIRMAN KORGE: 3 would be, "Pickup trucks
23 not being used or maintained as commercial vehicles,
24 that are carrying cargo in the flatbed, unless the
25 truck cargo" -- "truck's cargo box is fully covered

1 by a firm cover made specifically for the purpose of
2 covering pickup truck cargo boxes."

3 You might want to add, "flush with the -- "

4 MS. MORENO: I think what you want to say
5 is, you want to leave 3 the way it is --

6 MS. HERNANDEZ: Okay, why don't I have 3? I
7 have 2, "Vehicles, not being used -- "

8 MS. MORENO: Page 2.

9 MS. KEON: Oh.

10 MS. MORENO: Page 2.

11 MR. AIZENSTAT: It's the one below that, is
12 3.

13 MS. HERNANDEZ: "Vehicles used by licensed
14 contractors"?

15 MS. MORENO: No.

16 MR. AIZENSTAT: No.

17 MS. MORENO: "Pickup trucks not being used
18 or maintained as commercial vehicles that have the
19 truck's cargo box fully covered by a firm cover made
20 specifically for the purpose of covering pickup truck
21 cargo boxes."

22 MS. KEON: Are you in B or A?

23 MS. MORENO: I'm in A.

24 MS. KEON: Oh, I was in B.

25 MS. HERNANDEZ: Okay.

1 MS. MORENO: 411, A. I think what you need
2 to add is Number 4, "Pickup trucks whose cargo space
3 is empty," as your fourth exception.

4 CHAIRMAN KORGE: Yeah.

5 MS. MORENO: Okay? The first one covers,
6 you know, if it's covered, we don't care if there's
7 cargo if there, and then Number 4, what you want to
8 have is, allow people to have an empty cargo space to
9 park.

10 (Thereupon, Mr. Salman joined the Board.)

11 CHAIRMAN KORGE: Perfect.

12 MR. AIZENSTAT: But if it's empty, it should
13 be covered, also.

14 MS. MORENO: Well, then you don't need to
15 make an exception. Tom's point is --

16 CHAIRMAN KORGE: You don't need -- you
17 don't need that cover. Otherwise, if you have the
18 cover, then you don't need the exception, and not
19 only that; that means that people who don't have a
20 cover can't come and visit.

21 What we're concerned about is the unsightly
22 appearance. It's not unsightly because it doesn't
23 have a cover. It's unsightly because it's carrying
24 cargo. That's what makes it unsightly. Look at this
25 truck here.

1 MR. BEHAR: Yeah, but if you're driving by,
2 you're not going to see the cargo bed with -- it's
3 unsightly if you have something in the cargo space
4 that's not covered. If it's -- if you don't have a
5 cover, and there's nothing there, what do you see?

6 MR. AIZENSTAT: Unless the car is parked and
7 you walk by the sidewalk and this is a construction
8 vehicle that is used --

9 MS. HERNANDEZ: But there we have certain
10 provisions --

11 CHAIRMAN KORGE: Yeah.

12 MS. HERNANDEZ: -- that allow them, as long
13 as they have like, what, their contractor number?

14 MS. PASS: The contractor number, the name
15 of the company.

16 MS. HERNANDEZ: I mean, that's regulated
17 under a separate provision.

18 MR. AIZENSTAT: And that's allowed in the
19 evenings, also?

20 MS. MORENO: Okay, but it says --

21 MS. HERNANDEZ: No, only during the day.

22 MS. MORENO: -- "Pickup trucks not being
23 used or maintained as commercial vehicles" --

24 CHAIRMAN KORGE: Right.

25 MS. MORENO: -- that either have the truck's

1 cargo box fully covered by a firm cover made
2 specially (sic) for the purpose, or have an empty
3 truck cargo box.

4 CHAIRMAN KORGE: Right.

5 MS. MORENO: So that's what you want to say.
6 You want it to be a noncommercial vehicle. You don't
7 want the guy who uses his truck and has Joe Schmoe's
8 Signing Painting on it to be able to come and park.
9 You want the guy who's using the truck because maybe
10 he's a gardener and he wants to be able to pick up
11 trees on the weekend and put them in there.

12 MS. HERNANDEZ: But he can't have those
13 trees -- it's got to be empty.

14 MS. MORENO: It's got to empty, that's
15 the --

16 CHAIRMAN KORGE: Or covered.

17 MS. MORENO: Right.

18 MS. HERNANDEZ: From after 7:00 p.m.,
19 right, Margaret?

20 MS. PASS: Yes.

21 MS. MORENO: I guess you guys live in a
22 different city than I do. I wouldn't leave my plants
23 in my open cargo truck, because I'd suffer the risk
24 of losing them.

25 MS. HERNANDEZ: Well, you're using that

1 example. How about a painter or a sculptor?

2 CHAIRMAN KORGE: Right, right.

3 MS. HERNANDEZ: You know. I'm just -- you
4 know.

5 MS. MORENO: Yeah, a painter or a sculptor.
6 If he leaves it in the open cargo, he runs a risk of
7 losing it. But, anyway, I think that would be the
8 compromise --

9 CHAIRMAN KORGE: Yeah, I think that's an
10 excellent suggestion.

11 MS. MORENO: -- exception.

12 MR. BEHAR: I agree with that, as well.

13 CHAIRMAN KORGE: Now, I do have a -- I'm
14 sorry, go ahead.

15 MS. KEON: I have a question, too, about the
16 cover. What's a firm cover? As opposed to a rigid
17 cover, as opposed to a -- I mean, who determines
18 what's firm?

19 MS. PASS: In our view --

20 MS. KEON: I mean, rigid is very clear, what
21 rigid is.

22 MS. HERNANDEZ: Right, but you know what?
23 You say this, and people will raise it at a Code
24 Enforcement hearing. I mean, I laugh because -- you
25 served on our Code Enforcement Board, right?

1 MS. KEON: Yeah.

2 MS. HERNANDEZ: That's why you're saying
3 it.

4 MS. KEON: But I think you can define and
5 you can enforce what is rigid. I don't know that you
6 can --

7 MS. PASS: We would consider --

8 CHAIRMAN KORGE: I agree.

9 MS. KEON: -- you could define and enforce
10 what is considered firm.

11 MS. PASS: This is what we would consider
12 firm. It covers it completely. It's got ribs in it
13 that act as a, you know, complete cover. They're
14 made specifically for --

15 MS. HERNANDEZ: For the vehicles.

16 MS. PASS: For the vehicles.

17 MS. HERNANDEZ: Like not a tarp, you know,
18 you throw on top of it.

19 MS. PASS: Not with a tarp on it.

20 MS. KEON: No, I understand that --

21 MS. HERNANDEZ: Covered with rocks.

22 MS. KEON: -- but I would rather that, you
23 know, you indicate that it be, you know, a --

24 CHAIRMAN KORGE: Well, let's expressly
25 exclude tarps in that.

1 MS. KEON: You know, I mean, or that it's,
2 you know, either rigid or --

3 MS. PASS: They also manufacture -- on the
4 newer cars, make a kind of fiberglass lid that comes
5 up and down, too, on --

6 MS. KEON: Right, right, and then some of
7 the other ones even have -- I mean, there are
8 companies that make those kind of rigid lids, that
9 you can order one from like -- you know, there would
10 be floor mats or whatever --

11 MS. MORENO: She has in here, made
12 specifically for the purpose of covering pickup truck
13 cargo boxes. It can't just be a tarp.

14 MS. HERNANDEZ: So no loose tarps or other
15 covers capable of coming loose in moving traffic.

16 MS. KEON: Well, maybe -- I mean, I don't
17 know. I mean, if you look at, you know, the
18 automotive books, those supply books or whatever
19 those things are, they'll list, you know, the covers
20 for the back of trucks, you know, made for Ford, made
21 for Chevy, whatever, whatever, and then there's a
22 whole listing of them, what they are, and they are of
23 a variety of material.

24 MS. HERNANDEZ: Right.

25 MS. KEON: I mean, they're not just -- and

1 some of them are almost tarp-like. I mean, they
2 don't have stays in them. They don't -- they are
3 simply sort of a canvassy --

4 CHAIRMAN KORGE: The one displayed there
5 looks like a vinyl cover.

6 MS. KEON: -- you know, type of a cover.
7 You know, it's a canvas.

8 MS. HERNANDEZ: But it's made specifically
9 for the vehicle.

10 MS. PASS: They go on a track that they
11 slide in and fit --

12 MR. AIZENSTAT: Or they have snaps, where
13 they snap into place.

14 MS. KEON: Or snaps or some sort of a thing
15 that's part of the truck.

16 MR. BEHAR: Well, the one with snaps, is
17 that considered firm?

18 MS. HERNANDEZ: I think, if you put what Tom
19 was saying, no loose tarps or covers capable of
20 coming loose in moving traffic -- I mean, I'm just
21 writing down ideas that you're all saying, you know,
22 specifically identify what will eventually become an
23 issue, anyway.

24 MS. KEON: Right. I mean, I just think if
25 you say -- you know, we say, "Well, we said firm,"

1 and they say, "Well, what is firm?" You know, I
2 mean, rigid is rigid, and then anything less than
3 rigid is any of those things.

4 MS. HERNANDEZ: Okay.

5 MS. KEON: So, if you wanted it to, you
6 know, be affixed by, you know, snaps or tracks
7 mounted on the truck or whatever, but, you know, so
8 that it --

9 MS. PASS: They also have these things that
10 fit on the back of trucks that goes the same --
11 typically, the same height as the back of the cab and
12 that come down, that are fixed into the truck --

13 MS. KEON: Right.

14 MS. PASS: -- and close open, down -- up and
15 down, in the back, with side windows.

16 MS. KEON: Right.

17 MS. HERNANDEZ: Now, the -- so that's what
18 you want? That's language you want us to add and
19 bring back to you, correct?

20 MS. KEON: Yeah.

21 MS. HERNANDEZ: Okay.

22 MS. KEON: I'd like to see something that
23 defines -- Can I ask one other question?

24 MS. HERNANDEZ: Yes, ma'am.

25 MS. KEON: I know I've seen on trucks before

1 where there's like a toolbox, you know, in the back
2 of the truck that looks like it's part of the truck.
3 It looks like some hard plastic toolbox. So, if they
4 had like their toolbox back there and then an empty
5 cargo bay, would that meet what we're talking about
6 here, or would it have to be -- because that toolbox
7 is back there, would it then require that there be
8 another cover that has to cover the whole thing? Or
9 does the portion of the cover that covers the
10 toolbox -- is that adequate for cover?

11 MS. HERNANDEZ: No, that's not adequate. It
12 has to cover the cargo bed.

13 CHAIRMAN KORGE: If there's cargo in it.

14 MS. HERNANDEZ: If there's cargo in there.

15 MS. KEON: Okay, but does -- but what I'm
16 asking you is --

17 MS. HERNANDEZ: A toolbox would be cargo.

18 MS. KEON: Does the -- does the toolbox
19 constitute --

20 MS. HERNANDEZ: Cargo.

21 MS. KEON: -- some cargo?

22 MS. HERNANDEZ: Yes.

23 CHAIRMAN KORGE: Well, it may not be part of
24 the cargo bay, or it may be part of the cargo bay
25 itself.

1 MS. MORENO: No, what she's talking about --

2 MS. KEON: But they are. They are part of
3 the truck. They are.

4 MS. MORENO: What she's talking about,
5 they're built-in toolboxes.

6 CHAIRMAN KORGE: I know what she's talking
7 about, and what I'm suggesting to you is that if it's
8 a built-in toolbox --

9 MS. KEON: Right.

10 CHAIRMAN: -- then it is not open cargo bed.

11 MS. HERNANDEZ: Right. It's part of the
12 vehicle. If it's somebody's toolbox that they put it
13 in the back --

14 MS. KEON: No, no, no. I'm talking about --
15 no. A lot of, you know, trucks, you can have them --
16 you know, you have that toolbox installed?

17 MS. HERNANDEZ: Right.

18 MS. KEON: That thing they do. You know, I
19 don't know a lot about trucks, so -- but I mean, I
20 think, from seeing them, I've seen, you know --

21 MS. HERNANDEZ: Right.

22 MS. PASS: And they typically put their
23 cargo in those boxes.

24 MS. KEON: Right. They have those cargo
25 boxes that -- they look like they're built into the

1 truck, and then they put their tools into those
2 boxes, or whatever else. Does that constitute cover,
3 so you wouldn't -- would you cite them?

4 MS. PASS: If you put -- if they put
5 something -- I mean, from what you all are asking, if
6 they put something else in the back of that pickup,
7 then it would --

8 MS. KEON: Right, but if everything -- but
9 that toolbox, in and of itself, that's part of the
10 cargo bed --

11 MS. PASS: As long as it's closed --

12 MS. KEON: Right, that that doesn't --

13 MS. PASS: -- I would say that would be --

14 MS. KEON: Then that would not -- that
15 wouldn't be a violation?

16 MS. HERNANDEZ: Right.

17 CHAIRMAN KORGE: That wouldn't constitute an
18 open cargo bed. It would be a closed -- yeah, I
19 think it's a good question.

20 MS. KEON: Because it's something in the
21 bed. You know, I think it's --

22 MS. HERNANDEZ: For purposes of being clear,
23 we're reading and amending Version A. That's the
24 version that everybody seems to be going with here,
25 and I just want to be sure of that. At least the

1 amending language was part of Version A.

2 CHAIRMAN KORGE: Right.

3 MS. HERNANDEZ: Not in Version B.

4 MR. AIZENSTAT: Are you letting any size
5 truck be conforming, as long as it's empty?

6 MS. HERNANDEZ: What did he say?

7 MS. PASS: Any size truck, half a ton --

8 MR. AIZENSTAT: Any size truck. For
9 example, today, I actually see these new -- 350, I
10 think they're called, these huge trucks that people
11 are driving.

12 MS. PASS: Oh.

13 MR. AIZENSTAT: Yeah. Would you consider
14 that -- and they're using it for a personal -- as a
15 personal vehicle.

16 MS. PASS: With the double tires on the --
17 tires on the back, like Dually or --

18 MR. AIZENSTAT: Double tires, but not the
19 ones -- not like the Dodge Rams or the F-250 on the
20 Fords, but there's now a bigger version, which is
21 like a 350, they call it, which is huge.

22 MS. HERNANDEZ: Well, you know what? You're
23 raising an issue which I think, under 411 --

24 CHAIRMAN KORGE: Version B.

25 MS. HERNANDEZ: -- is not -- Version A.

1 We're on -- we're reading from --

2 CHAIRMAN KORGE: I know, but it was covered
3 in Version B. It had a size limitation.

4 MS. KEON: It does in A, also.

5 MR. AIZENSTAT: That's why I'm asking if
6 you're putting a size limitation.

7 MS. HERNANDEZ: The amendment that the Board
8 Member Moreno, Cristina Moreno, was reading was
9 amending -- was little paragraph 3, and that's why I
10 just want to -- I want to be sure which one you all
11 are --

12 CHAIRMAN KORGE: We understand that, but
13 what I'm saying is that, in Version B, there was a
14 reference to a curb weight exceeding 8,500 pounds.

15 MS. KEON: Right. That's under definitions.

16 MR. BEHAR: I think you should put that --

17 MS. HERNANDEZ: Where's this, now?

18 MR. BEHAR: -- provision --

19 MS. HERNANDEZ: Oh, there it is.

20 MS. KEON: Under definitions.

21 MS. HERNANDEZ: Oh, that's in the
22 definitions. Got it.

23 MS. KEON: Right, so if it was --

24 MS. HERNANDEZ: And Version A also has the
25 same definition.

1 CHAIRMAN KORGE: It does? Okay.

2 MS. HERNANDEZ: Yeah. "Any vehicle with a
3 curb weight exceeding 8,500 pounds."

4 MR. AIZENSTAT: How do you come about that
5 8,500 pounds?

6 MS. HERNANDEZ: I don't know.

7 MS. GLASSER: The Hummer --

8 MS. HERNANDEZ: You have to -- if you can
9 just state your --

10 MS. GLASSER: Jennifer Glasser, Akerman
11 Senterfitt.

12 MR. AIZENSTAT: Could you put, I'm sorry,
13 the microphone closer? That's it, you broke it.

14 MS. GLASSER: The Hummer is 8,500. That's
15 the curb weight of the Hummer. That's how we came up
16 with that weight. So it includes that and everything
17 below it.

18 MR. AIZENSTAT: Okay.

19 MS. HERNANDEZ: Okay?

20 MS. KEON: Is that that big one, that huge
21 Hummer?

22 MS. HERNANDEZ: Can I address the question
23 you raised?

24 MR. AIZENSTAT: And --

25 MS. HERNANDEZ: Okay.

1 MR. AIZENSTAT: If I may, while we're on
2 that subject, a Ford F-150, what is the curb weight
3 on that vehicle, like that pickup truck?

4 MS. GLASSER: It's less than 8,500. It's
5 about 7,000.

6 MR. AIZENSTAT: About 7,000? And how does
7 that compare to some of these big luxury vehicles,
8 like let's say just a Lexus car. How does that come
9 about? What does that compare to? Do you have any
10 idea at all?

11 MS. GLASSER: The cars? No. I'm not sure
12 what the cars are.

13 MS. MORENO: No, the Lexus SUV.

14 MR. AIZENSTAT: I mean, the SUV.

15 MS. GLASSER: The SUV is also under 8,500.

16 CHAIRMAN KORGE: And the Suburban --

17 MS. KEON: It's like 4,500 something --

18 MS. HERNANDEZ: But you're all raising an
19 issue of greater concern, which is not addressed in
20 Section 411. It's only partially addressed in 412.

21 We have seen a proliferation of these big
22 gas guzzlers, trucks or otherwise, parked on our
23 swales at night, because they don't fit in people's
24 carports or garages, and it's just a destruction of
25 our grassy swale areas, a visual pollution, however

1 you want to call it, of swale areas that in the past,
2 you know, were left alone and that's why we always
3 had, you know, beautiful grassy swale areas, while
4 other cities, you know, Hialeah, my birthplace, you
5 know, Sweetwater, all those areas, it's just rocks.
6 And unfortunately, these huge vehicles with -- you
7 know, when you turn off the car, that hot motor is
8 just burning the grass underneath.

9 And, you know, you raise that, and I am more
10 concerned about 412, because we're basically allowing
11 it in the swale areas, even though we wrote 412 out
12 of concern that in the commercial district, you know,
13 people go out at night and they're parking their
14 trucks -- even if they garage them at home, you know,
15 we now suddenly have a vibrant downtown community,
16 and so people are going downtown after hours and Code
17 Enforcement has to cite them, because we're not
18 allowing it in our open areas.

19 MR. AIZENSTAT: Isn't it illegal, anyway, to
20 park in that swale area?

21 MR. SALMAN: No.

22 MS. HERNANDEZ: No.

23 MR. SALMAN: It's not.

24 MR. AIZENSTAT: It's not?

25 MS. HERNANDEZ: It's not.

1 MR. SALMAN: But we can make it so.

2 MS. HERNANDEZ: You see, we make it illegal
3 to park -- our existing ordinance now says, "Except
4 as provided herein, no trucks, trailers, commercial
5 vehicles or recreational vehicles shall be parked
6 upon the streets or other public places of the City
7 between the hours of 7:00 p.m. on one day and 7:00
8 a.m. the next." So, if you're not a truck, trailer,
9 commercial vehicle or recreational vehicle, you can
10 park in the swales.

11 What's happening is this, you know, love
12 affair that we have with big cars that's been
13 occurring, and they don't fit in the houses, so --
14 it's a different issue. Shall we amend the Code
15 again? So Margaret can cite.

16 MS. MORENO: Speaking as someone who has
17 children who also park in my house, if you prohibit
18 parking in the swale area, you're going to have a big
19 problem in the City.

20 MS. HERNANDEZ: Yeah.

21 MS. MORENO: Because --

22 CHAIRMAN KORGE: Yeah.

23 MS. MORENO: -- you know, everybody who
24 has -- my children are now in college, so I no longer
25 have the problem, but if you have more than two cars

1 in your home, someone has to park on the swale,
2 unless you have --

3 MS. HERNANDEZ: My house.

4 MS. MORENO: -- a house in Gables Estates.

5 MS. HERNANDEZ: No.

6 MS. KEON: No.

7 MR. SALMAN: No, because you can --

8 MS. MORENO: Well, you have a huge house.

9 MR. SALMAN: But you can park in the paved
10 approach --

11 MS. MORENO: What?

12 MR. SALMAN: -- and not park on the grass.

13 MS. KEON: You can park on the paved
14 approach.

15 MR. AIZENSTAT: But I think you cannot --
16 no --

17 MS. HERNANDEZ: You can't block the
18 sidewalk.

19 MR. AIZENSTAT: You can't --

20 MR. SALMAN: No, no, but the approaches
21 are --

22 MS. KEON: No, but you can park in that
23 apron, across the apron.

24 MS. MORENO: Okay --

25 MS. HERNANDEZ: Well, that's true.

1 MS. MORENO: -- in my particular case, we
2 expanded our driveway so we fit all our cars in the
3 driveway, but there are places in the City where you
4 cannot do that.

5 MS. HERNANDEZ: Right.

6 MS. MORENO: You know, if you have a 50-foot
7 lot, I defy you to park -- unless you want people to
8 park in their front lawns, which I think looks worse
9 than parking on the swale.

10 MS. HERNANDEZ: Well, we're going to --

11 MR. BEHAR: Well, you've got a one-car
12 garage, you have one spot in the front --

13 MS. HERNANDEZ: Well, we're going to be
14 dealing with that as part of our beauty code. We're
15 also engaged in the update of the City Code, and we
16 do require property owners to maintain their swale
17 areas. So that will be an issue that, you know, we
18 will -- especially those property owners that are
19 allowing the grass to die and are not maintaining it,
20 we're going to cite them. You know, we're going to
21 make sure that -- you know, we always try and make
22 our codes co-exist with each other, but, you know,
23 we've written what you've said.

24 It seems that you're comfortable with
25 Version A, and I'm not trying to, you know, put words

1 in your mouth, but as you move to 412, I just -- what
2 Mr. Aizenstat mentioned, the big, huge vehicle,
3 that's my concern in Section 412.

4 CHAIRMAN KORGE: I have one other question
5 about 412. The 7:00 a.m. time seems to me a little
6 bit late, because I've noticed that workers,
7 especially construction workers, like to get started
8 around 6:30.

9 MS. HERNANDEZ: Well, they can't.

10 MS. KEON: They can't.

11 MS. HERNANDEZ: We have other Code
12 provisions that don't allow that.

13 CHAIRMAN KORGE: Okay. Well, then, never
14 mind.

15 MS. KEON: Yeah, they're not allowed to
16 start.

17 MR. BEHAR: 7:00 is early enough.

18 MS. MORENO: Uh-huh.

19 MR. SALMAN: Through the Chair -- I have a
20 concern with regard to the gross vehicle weight
21 that's outlined in this Code.

22 MS. HERNANDEZ: Okay.

23 MR. SALMAN: 8,500 pounds is a lot.

24 MS. HERNANDEZ: Yeah.

25 MR. SALMAN: It's four and a quarter tons of

1 vehicle. I don't think a Hummer, unloaded, weighs
2 that much.

3 MS. HERNANDEZ: I think Jennifer did a
4 search.

5 You know more about cars than you ever
6 wanted to know, right?

7 MR. SALMAN: That may be its loaded weight,
8 but that's a lot.

9 MS. GLASSER: That's the cargo -- the curb
10 weight, which is unloaded, based on their internet
11 site.

12 MS. HERNANDEZ: Could you give us some of
13 the backup information -- you know, materials on
14 that, so we can distribute it to the Board --

15 MS. GLASSER: Sure.

16 MS. HERNANDEZ: -- as we make our final
17 recommendations?

18 MR. SALMAN: A Dually pickup truck, if you
19 put a cover on it, is less than 8,500 pounds, I
20 guarantee you.

21 MS. HERNANDEZ: Right.

22 MR. SALMAN: There's a lot of -- I think
23 that the 8,500 is too liberal. It's too big a
24 number. I think it needs to be brought back.

25 MS. HERNANDEZ: What we'll do is, we'll

1 bring you the backup materials --

2 MR. SALMAN: Okay.

3 MS. HERNANDEZ: -- that were reviewed, so
4 that, as you analyze if, it you feel that we need to
5 put in a more restrictive, you know, less heavy
6 amount --

7 CHAIRMAN KORGE: You can do that before we
8 finish the final Code rewrite.

9 MS. HERNANDEZ: Oh, yes.

10 CHAIRMAN KORGE: Yeah.

11 MS. HERNANDEZ: No, no, we're going to --
12 we're taking the information you're giving us and
13 we're going to be bringing back a final recommended,
14 you know, draft so that we can, with your input,
15 final input, send it to the Commission.

16 CHAIRMAN KORGE: So you don't need a motion
17 for today, on this particular revision?

18 MS. HERNANDEZ: No, I think that -- no, no,
19 not today. I have information from you.

20 CHAIRMAN KORGE: Okay.

21 MS. HERNANDEZ: I think you're giving me
22 more, right?

23 MS. MORENO: Liz, look at Paragraph 7 of
24 4-411(a). There's something missing there. There's
25 some word missing there, because it makes no sense

1 the way it's written.

2 MS. HERNANDEZ: Paragraph 4?

3 MS. MORENO: Paragraph 7.

4 MS. HERNANDEZ: Oh, Paragraph 7.

5 "Automobiles carrying advertising signs, advertising
6 and voted upon by the people." It's probably
7 signage, political signage, to be voted upon or
8 something?

9 MS. MORENO: You've got candidacy in 6. I
10 don't know if this is something like for the lottery
11 or some kind of --

12 MS. HERNANDEZ: I will check. Or it could
13 be advertising and issues voted upon by the people.
14 But there's -- I think a word is missing.

15 MS. MORENO: There's something missing.

16 MS. HERNANDEZ: I will verify.

17 MR. SALMAN: Does that include bumper
18 stickers, through the Chair?

19 MS. HERNANDEZ: No.

20 MR. SALMAN: Okay.

21 MS. HERNANDEZ: I think bumper stickers are
22 excluded. Let me just -- hold on.

23 MS. KEON: I have another question, Tom.

24 CHAIRMAN KORGE: Yes.

25 MS. KEON: In Version A, 4-411, where it

1 talks about -- it says, in any area of the City which
2 is zoned residential. Does that -- what about
3 like -- what about the mixed-use areas we're talking
4 about? What is that?

5 MS. HERNANDEZ: That's included --

6 MS. KEON: But that's not -- I mean --

7 MS. HERNANDEZ: Under the new Zoning Code
8 rewrite, residential areas include duplex, mixed-use,
9 multi-family, right?

10 MR. RIEL: Not mixed-use.

11 MS. HERNANDEZ: No?

12 MS. KEON: I don't think mixed-use.

13 MS. HERNANDEZ: Okay. I thought it did.

14 MR. RIEL: No. Mixed-use is only permitted
15 in commercial, industrial.

16 MS. KEON: Okay. So, in areas that are
17 mixed-use areas --

18 MS. HERNANDEZ: Right.

19 MS. KEON: Areas that are -- what,
20 mixed-use, that whole North Ponce corridor, all that
21 that we're talking about, yes?

22 MR. RIEL: That's commercial and
23 multi-family.

24 MS. KEON: Okay.

25 MS. HERNANDEZ: And some mixed-use.

1 MR. AIZENSTAT: And some mixed-use.

2 MR. RIEL: There's an overlay of mixed-use.

3 MS. KEON: Okay, and mixed-use. So in
4 those areas that's mixed-use, it would be permitted?

5 MR. RIEL: Correct.

6 MS. HERNANDEZ: Correct.

7 MS. KEON: I have a question on Number 5.
8 It says loading or unloading trucks or trailers or
9 commercial vehicles -- that such loading or unloading
10 takes more than two hours.

11 MR. AIZENSTAT: No more than.

12 MS. KEON: No more than two hours?

13 MS. HERNANDEZ: No more.

14 MS. KEON: What about moving vans?

15 CHAIRMAN KORGE: You didn't ask the question
16 that follows that, is, do we want it to be permitted
17 in those mixed-use areas? I was waiting for that
18 question from you.

19 MS. KEON: Well --

20 MS. HERNANDEZ: Now, that's an existing --
21 by the way, that's an existing Code provision.

22 MS. KEON: I know, but that's why I think
23 we should talk about it. All right, we'll go back to
24 the other one.

25 MS. HERNANDEZ: No, no, but I'm happy to --

1 if you have a recommendation, you know, we're fixing
2 the Code now.

3 MS. KEON: All right, but to go back, then,
4 do you want to allow these in mixed-use? I mean,
5 it's -- then they can have whatever they want, they
6 could park commercial vehicles in the mixed-use
7 areas?

8 MS. HERNANDEZ: No, no, no. Okay, first of
9 all, right now, what we're dealing with is parking in
10 residential areas.

11 MS. KEON: Okay.

12 MS. HERNANDEZ: Okay? That's the provision
13 that we're looking at.

14 MS. KEON: Okay.

15 MS. HERNANDEZ: And how we wish to restrict
16 parking in residential areas. I do not believe --
17 when you have mixed-use areas, you know, I believe
18 that you can have, either on the swale or in the
19 mixed-use building, commercial vehicles, if you so
20 choose.

21 Are we citing them?

22 MS. PASS: Yes.

23 MS. HERNANDEZ: If it's a mixed-use
24 development?

25 MS. PASS: If it's on the street, yes.

1 MR. RIEL: Well, the mixed use --

2 MS. HERNANDEZ: Oh, right, on the street,
3 until we amend the Code now.

4 MR. RIEL: The mixed-use is an overlay. It
5 does have an underlying either commercial or
6 residential --

7 MS. HERNANDEZ: Right.

8 MR. RIEL: -- zoning or land use, so I'm
9 assuming if it has a multi-family residential zoning,
10 these provisions apply.

11 MS. KEON: Oh, okay. So it's the underlying
12 zoning?

13 MS. PASS: (Nods head).

14 MR. RIEL: Is that yes?

15 MS. PASS: Yes, it is.

16 MS. HERNANDEZ: Yes. We're just trying to
17 follow you.

18 MS. KEON: So the underlying --

19 MS. HERNANDEZ: Yes.

20 MS. KEON: -- is what --

21 MS. HERNANDEZ: The underlying zone.

22 MS. KEON: Okay.

23 MS. HERNANDEZ: Can we go back to 5?

24 MS. KEON: Right.

25 MS. HERNANDEZ: Did you have any

1 recommendations?

2 MS. KEON: Well, you know, I mean, moving
3 vans are there, when I moved, more than two hours.
4 I'm going to tell you, for anybody moving, it takes
5 more than two hours to move.

6 MS. HERNANDEZ: So what are you saying,
7 four?

8 MS. KEON: Well, they're there all day. I
9 mean, people are there all day. When you move in and
10 you move out, you're there all day.

11 MS. HERNANDEZ: Yeah, but we are very
12 concerned about -- and I understand what you're
13 saying. Our concern is, we have auctioneers that,
14 you know, bring in -- and this is one of the
15 provisions we use --

16 MS. KEON: Well -- okay.

17 MS. HERNANDEZ: -- to prevent them from
18 unloading commercial merchandise.

19 MS. KEON: Okay, and I understand that, but
20 I think you should, somewhere, accept people moving
21 into and out of their residence, you know, their
22 personal or household goods into or out of their
23 residence, that -- I mean, I can see if you don't
24 want them to leave it parked there on the street
25 overnight -- I mean, because sometimes, if it takes

1 them longer than one day to load, they may want to
2 leave it there and come back the next day. Now, I
3 understand if you don't want them to leave it on the
4 street, you know, overnight or whatever, you know,
5 that at a certain hour you want them to move it out
6 of there and put it -- park it in storage or do
7 something that it's not left on the street, but, you
8 know, I think in the course of the day -- I mean, it
9 takes people a day to move, so I mean, putting
10 stuff --

11 MR. BEHAR: Let me ask you, if you're having
12 a garage sale, you're allowed to have a garage sale
13 how many times a year?

14 MS. HERNANDEZ: Twice.

15 MR. BEHAR: Okay. Can you set the same type
16 of precedent that you could have for more than two
17 hours, a whole day, no more than two times a year?

18 MS. KEON: But I don't think you -- I really
19 don't think you want -- I would not think you would
20 want to encourage them bringing in, you know,
21 household -- you know, truckloads of household goods
22 for the purpose of having an auction --

23 MS. HERNANDEZ: Right.

24 MS. KEON: -- because they have estate
25 auctions and they do bring in all those things, and I

1 can certainly understand, you know, not wanting to
2 have a street tied up for a whole day because
3 someone is --

4 MS. HERNANDEZ: Right.

5 MS. KEON: -- you know, doing business in
6 your neighborhood.

7 MS. HERNANDEZ: But you want language that
8 basically exempts for an actual moving in or moving
9 out --

10 MS. KEON: Yeah. Yeah.

11 MS. HERNANDEZ: -- of a residential
12 property?

13 MS. KEON: Yes. Yes.

14 MS. MORENO: With no selling, no selling at
15 all.

16 MS. HERNANDEZ: Right, except for moving.

17 MS. KEON: No, just, you know, if a
18 homeowner's, you know, either, you know, moving in or
19 out of, you know, the residence.

20 MS. HERNANDEZ: Okay.

21 MS. KEON: The personal -- and it would be
22 the personal property, the property of the homeowner.

23 MS. HERNANDEZ: Right.

24 MS. MORENO: What do you do now, Margaret?
25 Because, for sure, it happens.

1 MS. PASS: It happens. We advise them to
2 leave. We give them, usually, a notice of violation,
3 saying that you're in violation --

4 MS. HERNANDEZ: Right.

5 MS. PASS: -- and then the next time, the
6 next day, if we see it out there, they will get a
7 ticket.

8 We do get a lot of complaints from people
9 that have motor homes that are seasonal, that come in
10 and they only can keep it there for two hours to put
11 whatever they need to, on a trip, getting ready for a
12 trip, and we get a lot of complaints about that when
13 we do cite them. We typically first give them a
14 warning, and then come back the next day, and usually
15 it's gone by then, but, you know, we know it's more
16 than two hours. We first put them on notice.

17 MS. MORENO: Yeah, but I wouldn't want a
18 motor home parked in front of my house -- you know,
19 in front of my neighbor's house.

20 MS. KEON: No, but I think what they're
21 talking about is if somebody has one --

22 CHAIRMAN KORGE: They're loading up.

23 MS. PASS: They're just loading.

24 MS. KEON: -- and they store it elsewhere,
25 they don't store it there --

1 MS. PASS: They don't store it there.

2 MS. MORENO: Okay.

3 MS. PASS: -- but they just came home from a
4 three-month trip or something --

5 MS. HERNANDEZ: So are you asking to change
6 it, for four hours?

7 CHAIRMAN KORGE: Well, then, maybe the
8 concern is that if it's noncommercial use, that we
9 don't -- you know, two hours may not be enough for an
10 individual resident to have one of these vehicles in
11 front of their house for a noncommercial use, such as
12 moving into or out of the residence, or loading or
13 unloading a recreational vehicle that will be removed
14 from the premises for a trip or whatever. That's --
15 is that the idea we're getting at?

16 MS. HERNANDEZ: Right.

17 MS. KEON: Yeah. I mean, they should have
18 adequate time to, you know, move their things.

19 MR. AIZENSTAT: How has it worked so far?
20 Have you had problems with that?

21 MS. PASS: You know, we don't have a lot,
22 but when we do, typically it's a neighbor saying,
23 "The vehicle has been there for more than two hours,"
24 or my people have driven by and seen it and they'll
25 come back in two hours and it's still sitting there,

1 and typically, they haven't been cited for anything.
2 And so they give them the first notice, advising
3 them that this is a violation.

4 MR. AIZENSTAT: And then they come back the
5 next day?

6 MS. PASS: They come back the next day and
7 they're gone.

8 MR. AIZENSTAT: So it actually works the way
9 it is?

10 MR. RIEL: Margaret, step up to the mike.
11 We can't hear you.

12 MS. KEON: But I think it takes up the time
13 of the Zoning Board officers that you don't need to
14 spend there. You know, maybe they don't need to be
15 bothered doing that. Maybe there's other things that
16 they could be more productive in doing than that sort
17 of thing.

18 MS. MORENO: What do you think, Margaret?

19 MS. PASS: I think if you gave a person, you
20 know, typically a day, whether they're moving in or
21 moving out or they're trying to load a recreational
22 vehicle or going camping with a tent, trying to get
23 things organized, I think that's adequate. But I
24 wouldn't do more than that.

25 MS. KEON: No, not more than a day.

1 MS. PASS: And no overnight.

2 MS. KEON: Not overnight. Well, they would
3 have to have it, I mean, off the street by 7:00, you
4 know, whatever. Those hours that are already in here
5 are probably good hours.

6 MS. PASS: Yes.

7 MS. KEON: But give them, you know, the
8 other hours to, you know, load or unload their -- for
9 personal use, I mean -- you know, either their
10 personal recreational vehicle, for their personal
11 use, or to move their household belongings.

12 MR. AIZENSTAT: But if you see -- I would
13 think that the Code Enforcement officers are going to
14 get the story, if they see a vehicle that does
15 antique selling -- they're going to say, "Well, I'm
16 using this vehicle today to move my items, my
17 personal items." How do you stop that?

18 MS. KEON: But you say, "Are you a mover? I
19 mean, so where is the mover? I mean, are they moving
20 your things out, or are they just moving stuff in?"

21 MR. AIZENSTAT: People don't necessarily
22 hire a mover. A lot of times, people will go and do
23 it themselves or they'll hire -- or they use a
24 friend's truck or so forth to move. I don't know if
25 you necessarily have to hire a mover or a moving

1 company to move.

2 MS. HERNANDEZ: It doesn't -- there's no
3 requirement. It is difficult for us, with our
4 present Code, to enforce the issues. We obtained
5 injunctive relief against an auctioneer and they
6 obtained partial injunctive relief against the City,
7 where the court held that you can auction your home.
8 You cannot, however, bring in commercial property
9 from a third party and auction that off.

10 And I have to tell you, it becomes a drama
11 of undercover detective work and everything, in order
12 to go back to court with the appropriate witnesses to
13 shut them down again, and then every couple of years,
14 they show up again. So, I mean -- and the more
15 complicated we make it, the more difficult it becomes
16 to enforce.

17 MR. AIZENSTAT: That's what I'm concerned
18 about.

19 CHAIRMAN KORGE: That's a very good point.

20 MS. KEON: Right.

21 CHAIRMAN KORGE: And I guess the negative of
22 this is that every once in a while, someone gets a
23 warning who, really, there's no real point in warning
24 them, because they're going to be out soon, anyway.

25 MS. HERNANDEZ: Exactly.

1 CHAIRMAN KORGE: So what do you recommend?

2 MS. HERNANDEZ: Well, I think that it's --
3 the language that, you know -- or language to the
4 tune of except for moving in or out of a residential
5 property, comma, loading or unloading of trucks, you
6 know, it doesn't take more than two hours.

7 You know, I'll work with Margaret and Eric
8 on the issue of recreational vehicles and we'll bring
9 some -- are there that many?

10 MS. PASS: No, there aren't.

11 MS. HERNANDEZ: Okay.

12 MS. PASS: But when they are, a lot of
13 times, it's not -- the fact that they have these
14 big --

15 MS. HERNANDEZ: Right.

16 MS. PASS: -- vehicles out there --

17 MS. HERNANDEZ: Right. Neighbors get very
18 upset when they see that coming down the street.

19 MS. KEON: Right. If you say to them, you
20 know, "They have today to move their things, you
21 know, if it's there tomorrow, we'll cite them."

22 MS. HERNANDEZ: And I'll check on little 7,
23 the new 7, to see what language is missing, and make
24 sure that it's brought back to you.

25 MS. KEON: What about this -- this "Mobile

1 cranes and other heavy equipment used during building
2 construction"? That's not -- are you -- I mean,
3 is -- like for Public Works purposes, is this, you
4 know, excepted from the Code, if it's in a
5 residential area? You're held to this, too?

6 MS. HERNANDEZ: I'm sorry, say that again?

7 MS. KEON: For Public Works purposes, is
8 that excepted from the Code. 9, "Mobile cranes and
9 heavy equipment," is that excepted from the Code
10 or --

11 MS. HERNANDEZ: Yeah. During construction,
12 yes, because they have to have the appropriate
13 building permits under our City Code in order to
14 actually be out there.

15 MS. KEON: Right.

16 CHAIRMAN KORGE: Are there any other
17 questions or comments?

18 MS. KEON: Right, so they could be there?

19 MR. AIZENSTAT: Yes.

20 MS. HERNANDEZ: They can only be there if
21 also approved under our Building Code and our City
22 Code.

23 MS. KEON: Right.

24 CHAIRMAN KORGE: Is there anything else
25 anybody wanted to comment on or ask questions? Pat?

1 MS. KEON: I wonder, why is it this dispute
2 is directed to the City Commission? I just wondered
3 why. Is that the way it is now? In Version A --

4 MS. HERNANDEZ: Is that the existing
5 language?

6 MS. KEON: B?

7 MS. HERNANDEZ: Yes, it is. B.

8 MS. KEON: Oh, is that the existing?

9 MS. HERNANDEZ: B is, "The Building & Zoning
10 Director and designees shall be charged with the
11 responsibility of determining compliance with the
12 regulations governing the parking of such trailers,
13 commercial vehicles" -- "in residential areas as
14 provided herein, however, in case of dispute, direct
15 application may be made to the City Commission."

16 MS. GLASSER: That's the existing language
17 in the Code.

18 MS. HERNANDEZ: That's existing. We just
19 struck through trucks, and what you have, for
20 example, when someone makes an application to build,
21 you know, a McMansion or, you know, other
22 multi-family, they may be requesting relief from the
23 provisions of this ordinance during the time period
24 of that construction, and have a security guard
25 living out there. I think that you all have

1 allowed -- and down in Snapper Creek, because of the
2 theft of air conditioning units, some of the security
3 guards, to be living out there?

4 MS. PASS: No, not to live -- until they get
5 a CO, typically, certificate of occupancy --

6 MS. HERNANDEZ: But don't they stay out in
7 the vehicle?

8 MS. PASS: Typically, they stay out on the
9 the premise --

10 MS. HERNANDEZ: Right, in the vehicle.

11 MS. PASS: -- in their vehicle, but they're
12 not sleeping in there. They're actually --

13 MR. AIZENSTAT: They're not caught sleeping
14 in there.

15 MS. HERNANDEZ: I was going to say, okay.

16 MS. GLASSER: And just for clarification,
17 the language that is missing from the new seven is --
18 it should read, "Automobiles carrying advertising
19 signs, advertising propositions to be submitted and
20 voted upon by the people."

21 MS. HERNANDEZ: Propositions --

22 MS. GLASSER: To be submitted.

23 MS. HERNANDEZ: -- to be submitted and --
24 okay.

25 MR. AIZENSTAT: Just a question, Margaret,

1 if I may.

2 MS. PASS: Yes, sir.

3 MR. AIZENSTAT: There's people that work for
4 the City that drive pickup trucks, City pickup
5 trucks. Do those -- do any of those people take
6 their vehicles home with them?

7 MS. PASS: No, sir.

8 MR. AIZENSTAT: Okay.

9 MS. PASS: In Building & Zoning, no, they do
10 not take the vehicles home, but I do know in Public
11 Works, as far as if they have to handle the sewer
12 lift stations or they're on call, they may take a
13 truck home, but they don't live, typically, in the
14 Gables.

15 MS. HERNANDEZ: Where do they leave the
16 vehicles?

17 MR. AIZENSTAT: What if they do live in the
18 Gables? Let's assume that they -- if they would live
19 in the Gables. Would that pickup truck be allowed to
20 park in their residence in the front, overnight?

21 MS. PASS: No. We haven't, as a rule,
22 allowed it.

23 MR. AIZENSTAT: So they would not have an
24 exception?

25 MS. PASS: No.

1 MR. AIZENSTAT: Okay. Thank you.

2 MS. MORENO: I'm sorry, Liz, in Paragraph
3 (b), where you struck out trucks, I think you need to
4 leave it in, because you are addressing pickup trucks
5 in your prohibition.

6 MS. HERNANDEZ: Right. You're right. I
7 think it needs to stay in.

8 CHAIRMAN KORGE: Anything else?

9 MR. SALMAN: Just a question for Liz. The
10 municipal code does not -- is the new municipal code
11 going to address the issue of parking on the swale?

12 MS. HERNANDEZ: Yes. Well, we have
13 provisions dealing with our swale areas which require
14 property owners that abut swale areas to maintain
15 them. And typically, what we do -- we also have
16 recent adoptions not to allow debris to accumulate in
17 the swale areas except in the actual receptacles, and
18 if we see a property that is not being maintained,
19 you know, obviously not -- you know, somebody throws
20 out a Coke can or something, you know, that Code
21 Enforcement -- but if it's in a state of disrepair,
22 they're cited, and we have that mostly with
23 construction sites and, I guess, you know, some of
24 the shut-ins and elderly, you know.

25 MS. PASS: Yeah, the commingling of trash

1 and garbage, sometimes they get cited. If someone
2 throws or puts in pizza boxes and other types of
3 garbage in their trash, they do get cited.

4 MR. SALMAN: That's according to current
5 Code?

6 MS. HERNANDEZ: In the current Code, but
7 we're going to --

8 CHAIRMAN KORGE: Usually, it's not the
9 homeowners that did it. It's somebody else.

10 MS. HERNANDEZ: We've been looking at
11 strengthening that, because of the proliferation of
12 vehicles in the swale areas at night.

13 MR. SALMAN: That would be areas where the
14 grass has been killed completely?

15 MS. HERNANDEZ: Yeah.

16 MR. AIZENSTAT: So, from what I've heard
17 tonight, it seems that Version A is what the Board as
18 a whole would like; is that right?

19 CHAIRMAN KORGE: With the changes that we
20 have discussed.

21 MR. AIZENSTAT: With the changes that we
22 have made, yes.

23 MS. HERNANDEZ: Right.

24 MR. SALMAN: And the answers to the
25 questions we've posed regarding the vehicle -- gross

1 vehicle weight.

2 MR. AIZENSTAT: I'm sorry?

3 MR. SALMAN: And with respect to answers
4 regarding the question we posed as to gross vehicle
5 weight.

6 MR. AIZENSTAT: Correct.

7 CHAIRMAN KORGE: I think that concludes the
8 discussion on this, or do you have something else,
9 Pat?

10 MS. KEON: No, I just ask that you look at
11 that issue of what they're covered with.

12 CHAIRMAN KORGE: Right. They're going to
13 come back with language on it.

14 MS. HERNANDEZ: We're going to look at that,
15 and we're going to also -- and, you know, we'll bring
16 back a clean copy with your recommendations on
17 there. Yes?

18 MR. RIEL: Did you want public input?

19 CHAIRMAN KORGE: The next item, Liz, is --

20 MS. HERNANDEZ: I'm sorry?

21 MR. RIEL: Public input?

22 CHAIRMAN KORGE: Oh, I'm sorry. You're
23 right. Is there anybody who would like to speak on
24 this from the public?

25 MR. GORDON: Yes, I'd like to say something.

1 CHAIRMAN KORGE: Come on up.

2 MR. GORDON: Hi. My name is Larry Gordon.
3 I live at 6604 Leonardo, South Gables, and I've lived
4 in Coral Gables for many, many years, 30 years. I've
5 been involved with this ordinance and against this
6 ordinance for at least the last 15.

7 MS. HERNANDEZ: Right.

8 MR. GORDON: And my understanding is, the
9 purpose of the Zoning Code rewrite was to simplify
10 and modernize the Zoning Code, and I think if there
11 was ever a provision of the Zoning Code that needed
12 to be modified, this is one, and I think Mr. Korge's
13 comments regarding the issue being not the type of
14 vehicle, but the cargo or the weight are more
15 pertinent here.

16 I'm going to say that in the '70s, when this
17 law came about, people didn't drive pickup trucks
18 home, for the most part. People didn't drive
19 Chevrolet Suburbans. People drove Cadillacs, you
20 know, normal automobiles, and in the Gables, mostly
21 luxury automobiles.

22 Now, in the '70s, we had a truck revolution.
23 Manufacturers started to take these trucks that were
24 formerly used for commercial purposes, and they
25 started to equip them with leather seats, automatic

1 transmission, other luxury amenities, stereos, things
2 like that. People started to drive these trucks and
3 they became popular. People thought they were safer
4 than regular automobiles. As these trucks became
5 more and more popular, people started to drive things
6 like Chevrolet Suburbans, which had been around for a
7 long time, typically used in commerce, for surveyors.
8 I don't know if you've seen surveyors driving
9 Chevrolet Suburbans.

10 So what I'm getting to here is, people
11 started to drive these things for personal use, not
12 for commercial purposes.

13 Now, to me, it makes no sense to single out
14 one type of vehicle, a pickup truck, versus a sport
15 utility -- I'll give you an example, a Suburban --
16 that we should allow a Suburban and not a small
17 fuel-efficient pickup truck to be parked in our
18 house. I think the issue is, as Mr. Korge said, if
19 we're concerned -- and I own two homes in Coral
20 Gables, so I'm very concerned about property values
21 in the Gables, and appearance. But I think the issue
22 is weight, because there are many vehicles that are
23 really big, they're really heavy, and they're not
24 appropriate, and cargo. Can you see the cargo, does
25 it look bad, et cetera.

1 I'm going to give you a quick example, to
2 follow up on Margaret's presentation. It's my
3 understanding that under our current Code, I can buy
4 one of these and park it. I've driven one of these
5 in the Army, myself, so -- that's a Hummer. This is
6 without the --

7 CHAIRMAN KORGE: Not the machine gun
8 mounted, right?

9 MR. GORDON: This is an example of something
10 that would be prohibited, a very small,
11 fuel-efficient pickup truck.

12 MR. RIEL: Sir, you have to get down to the
13 mike.

14 MR. GORDON: Now, I read the Staff report.
15 The Staff report seems to be written in a way to
16 assume that we want to prohibit pickup trucks and to
17 support the City's court appearance, court case, to
18 firm that up. That's my opinion, reading the Staff
19 report.

20 What I would ask you today is to take a step
21 back. Let's forget about pickup trucks. Let's not
22 prohibit pickup trucks at all. Let's look at the
23 whole range of vehicles. It doesn't matter if you
24 drive a pickup truck. I could go down and buy a 1972
25 Pontiac Bonneville from 79th Street. They have a lot

1 of old car lots there. I could take a torch, I could
2 cut the back of that of that Bonneville up, and I
3 could set it in my front yard, and that would be an
4 objectionable vehicle. I'd never do anything like
5 that. I'm just giving you an example.

6 So the issue is really not pickup trucks.
7 The issue is the cargo, the appearance, and it
8 shouldn't be singling out pickups. If you want to
9 regulate on appearance, you should do all vehicles on
10 appearance. So I think it's not right to do that.
11 It's discriminatory.

12 Another issue which was raised here earlier
13 is the City. The City comes into my neighborhood,
14 and let me tell you, the City has some petty
15 objectionable trucks, and they park them on my street
16 to do work, and they're sitting there, and I think
17 it's a lot of hypocrisy for the City to come and park
18 a really ugly truck, be it a pickup or whatever, in
19 my front yard, and then tell me that I can't do the
20 same. So that is an issue that I have.

21 I'm going to give you a quick story. It's a
22 true story.

23 CHAIRMAN KORGE: Before you do, let me ask
24 you something. Does the suggested change, which
25 would deal with the cargo and prohibit the open

1 cargo, address your concern?

2 MR. GORDON: Yes. I think it does. I think
3 that's better. But I think you're still singling out
4 pickup trucks. I think you need to take a step back.
5 You need to say, what's the difference between a
6 pickup truck and a Chevrolet Suburban? They both can
7 be objectionable-looking. Beauty is in the eye of
8 the beholder. A Chevrolet Suburban, like the
9 surveyors drive, I can take it and load that with
10 cargo and set it out there, and it would be perfectly
11 legal, and it would look terrible, because it was
12 filled with cargo, like you said.

13 So what I'm saying is, don't single out
14 pickup trucks. Look at it. Take a step back. Do it
15 broader, like Javier said, weight. Weight is an
16 issue, or cargo. Not the type of vehicle.

17 A quick story, true, and the reason I'm
18 telling you the story is because I want you to see
19 this affects commerce in the City of Coral Gables. I
20 have two homes. I have a second home in North Gables
21 that I lease. My property manager is Esslinger,
22 Maxwell & Wooten. Esslinger, Maxwell & Wooten got me
23 a tenant. The tenant owned a pickup truck. I said
24 to them, "Sorry, I can't rent to you." Esslinger,
25 Maxwell & Wooten's real estate agent lost a \$2,000

1 commission because I couldn't rent to him.

2 So what I'm trying to say, it affects --
3 there are other aspects of this, commerce, that you
4 may not be aware of, that it affects.

5 The last thing I want to say is, in the 15
6 years, Elizabeth says we had three lawsuits. We have
7 a couple of distinguished attorneys right now that
8 are costing us a lot of money. The City of Coral
9 Gables needs to think a little bit more about, is
10 this something that we want to spend this kind of
11 money on.

12 So that's the gist of my comments, and I
13 just hope you'll do the right thing and make the
14 right decision. Thank you very much.

15 CHAIRMAN KORGE: Thank you very much.

16 Well, I guess that closes the one public
17 comment, since there's nobody else here from the
18 public. Should we move, Liz, to the next item?

19 MS. HERNANDEZ: Okay.

20 I want to thank you for coming, and unless
21 you're interested in political signs, since I know
22 you live in the City, you know, you can go.

23 Okay, the first thing I'm going to
24 distribute for you is what is -- and Margaret,
25 because I need your participation in this -- what is

1 our present practice?

2 There are two provisions, Section 18-13 and
3 Section 18-17, which are the crux of our present
4 practice. What I've underlined is what we actually
5 do, but it's not in our Code. We either rely on the
6 Dade County Code or other provisions, State law and,
7 you know, our political sign code provisions are not
8 as clear as we want them to be.

9 Now, except for the decision in the Solantic
10 case versus City of Neptune Beach, I would have told
11 you that I'm quite comfortable with these
12 provisions, and I think that if we adopted amendments
13 that had these provisions in them that we would be
14 adopting content-neutral provisions that would
15 withstand constitutional challenge.

16 I believe that we will have a difficult time
17 if we adopt it in the manner in which I have drafted
18 it. So, at the next meeting, I'm going to have some
19 changes for you. But the reason that I feel
20 uncomfortable about it is, if you look at the case,
21 which it's one of the top cases that I gave you in
22 the package, you will see that the court found that
23 to take political signage in that city and restrict
24 it, it was based on content, and they found it very
25 restrictive and struck the provision.

1 And so what we're trying to do is actually
2 show that our sign Code with regard to commercial and
3 noncommercial is fairly similar. We don't allow
4 residential commercial signage on property except
5 under very limited circumstances, with manner, place
6 and time restrictions, and we believe that our
7 political sign regulations comply with that. It's
8 just in the manner that it needs to be written.

9 I've asked -- in the materials that I've
10 given you, you also have a chart which has the
11 present provisions of the City of Miami, the City of
12 Aventura, the City of North Miami, the City of North
13 Miami Beach, Miami-Dade County, Key Biscayne, Coral
14 Gables -- I just added that, you know, in a summary
15 fashion -- Miami Shores and Pinecrest, and the only
16 thing that I've added different from what is in our
17 existing Code right now, or our regulations, is a
18 size, 22 inches by 28 inches, because that's what
19 Dade County has.

20 And Margaret, correct me if I'm wrong, but
21 isn't that what your staff enforces, because our Code
22 is silent on it?

23 MS. PASS: Yes, sir -- yes, ma'am.

24 MS. HERNANDEZ: Right.

25 MS. PASS: It is.

1 MS. HERNANDEZ: So we actually enforce
2 portions of the City of Coral Gables Code -- I'm
3 sorry?

4 MR. RIEL: I don't know if everybody has the
5 memo on political signs.

6 MS. HERNANDEZ: Oh, okay. Let me just --
7 portions of the City of Coral Gables Code and
8 portions of the County Code. And what we're trying
9 to do is bring it together so that it's clear.

10 In Section 18-17, the Commission has become
11 increasingly concerned about allowing banners in
12 residential areas, and because we've had certain
13 situations where large banners are being used along
14 our major streets, basically, Granada and so forth,
15 and so that comes to you, at the request of the
16 Commission. They want us to consider whether to,
17 outright, ban banners in residential areas, and
18 that's missing some language, again, in Residential
19 Districts.

20 MS. MORENO: What are the types allowed
21 under Section 2-108?

22 MS. HERNANDEZ: Okay, I'm sorry. 2-108? I
23 don't think I have that with me.

24 MS. MORENO: Well, Margaret would know.
25 What's permitted?

1 MS. PASS: The American flag, the State
2 flag.

3 MS. HERNANDEZ: Right, the State flag.

4 MS. MORENO: How about a university flag on
5 game day?

6 MS. PASS: (Shakes head).

7 MS. MORENO: Not allowed?

8 MS. PASS: That's advertising, as far as I'm
9 concerned.

10 CHAIRMAN KORGE: Is that why Withers gets
11 cited all the time?

12 MS. HERNANDEZ: Well, the University is its
13 own district.

14 MS. MORENO: No, no, no, but I'm saying --

15 MS. PASS: On the houses.

16 MS. MORENO: -- the other day, when Miami
17 played FSU, all over my neighborhood, there were
18 people with FSU flags and people with UM flags.

19 MS. HERNANDEZ: Okay, that's right, and this
20 language bans everything, pennants, banners,
21 streamers.

22 MS. MORENO: And, you know, they have it up
23 for game day, and I kind of think that's nice.

24 MS. HERNANDEZ: Right. Well, we don't allow
25 and we don't want blinking and flashing lights; do we

1 all agree?

2 MS. MORENO: Agreed.

3 MS. HERNANDEZ: Okay, and streamer lights?

4 I believe that the flags, except those set forth

5 under Section 2-108, is not just the American flag,

6 but the flags of any country, as well as, I think

7 it's holiday flags and special events, but I'll bring

8 that --

9 MS. PASS: I will tell you that during the
10 holidays, people put out lights, and we have gotten
11 complaints about that.

12 MS. HERNANDEZ: And the large Christmas
13 features.

14 MS. PASS: The snow --

15 MR. SALMAN: The inflatable ones?

16 MS. HERNANDEZ: Yeah. Oh, yeah.

17 MS. PASS: Balloons and things like that.

18 MS. MORENO: And you're going to prohibit
19 that?

20 CHAIRMAN KORGE: Do you prohibit any
21 Christmas lights?

22 MS. PASS: According to this, we do.

23 CHAIRMAN KORGE: Any Christmas lights?
24 Really?

25 MS. MORENO: No Christmas lights?

1 MS. PASS: Flashing lights, streaming
2 lights.

3 MS. MORENO: Oh, my God.

4 MS. HERNANDEZ: Have you ever cited anybody?

5 MS. PASS: We have cited the -- yes, we have.

6 MR. RIEL: Scrooge.

7 MR. AIZENSTAT: Scrooge.

8 MS. HERNANDEZ: Okay, so we have to look at
9 18-17, just for your edification, in order to deal
10 with the issue of holiday lights, as well as, there
11 has been a concern, both by Code Enforcement
12 officials and Commissioners, on these large -- we
13 were in Joan's article, by God. You know, we cite
14 these large Christmas decorations.

15 MS. KEON: Maybe you could limit them to a
16 certain number of days prior to Christmas or
17 something, that, you know, they could put them up for
18 some period of time.

19 MR. AIZENSTAT: Why Christmas? What about
20 Thanksgiving?

21 MS. HERNANDEZ: Well, we also have the
22 Easter bunny.

23 MR. RIEL: Don't forget pumpkins. Pumpkins,
24 pumpkins.

25 MS. KEON: I don't know, if they do it some

1 period of time prior to the holiday or whatever. I
2 don't know. You know, it's interesting. Like
3 Halloween, I think that's neat --

4 MS. MORENO: Yeah, yeah.

5 MS. KEON: -- when you go by neighborhoods
6 and they have things in their yard --

7 MS. MORENO: That's part of being
8 residential.

9 MS. KEON: I mean, if you look at Santa
10 Maria, I mean, that's why they have hordes of kids
11 there for Halloween, because they really -- they
12 decorate, and it's fun to go down that street.

13 CHAIRMAN KORGE: They have hordes of kids
14 because they give out the best candy there.

15 MS. KEON: What?

16 CHAIRMAN KORGE: They get hordes of kids
17 because they give out the best candy.

18 MS. KEON: But they celebrate that holiday
19 in a very festive manner.

20 MS. HERNANDEZ: We will look at these
21 provisions on pennants, banners and streamers,
22 outside of the context of political signage, as well
23 as political signage in general, on a content-neutral
24 basis, so that you will -- you know, we want to be
25 sure that if we're banning banners, and that was

1 really my big --

2 MS. KEON: Well, what is a banner? What do
3 you mean?

4 MS. HERNANDEZ: The large roll-out --

5 MS. PASS: "George is 50 today. Happy
6 Birthday."

7 MS. HERNANDEZ: What did you just say?

8 MS. KEON: "George is 50 today. Happy
9 Birthday."

10 MS. PASS: "George is 50 today. Happy
11 Birthday." I mean, those are --

12 MS. HERNANDEZ: Yeah, right.

13 MS. PASS: And we have cited them, because
14 they're 20 feet long, they're in front of a house,
15 and they are a banner. We don't look at what they're
16 actually saying.

17 MS. KEON: I know, but maybe a banner
18 pertinent to that household can't exist, maybe, more
19 than 24 hours or something. I mean, I --

20 MS. HERNANDEZ: You know what? I think
21 that as a neighbor --

22 MS. MORENO: I just don't want to get
23 ourselves to the point where, you know, we want just
24 nothing. I mean, that's --

25 MS. HERNANDEZ: Well, but again, on a more

1 serious note, you might not be offended by a week or
2 a day of a "George is 50 today" banner. But if it's
3 up there for four months --

4 MS. KEON: Well, sure.

5 MS. HERNANDEZ: -- it will offend you.

6 MS. KEON: Well, yeah, but I mean, if you
7 want to limit it --

8 MS. HERNANDEZ: And that's what we're
9 having, is, people are putting these banners up, and
10 there are other means of communicating their joyous
11 message or their, you know, political position, than
12 a large banner that drapes across their property.

13 MS. PASS: That says "God Bless America"?
14 We don't look at what it says.

15 MS. HERNANDEZ: Right.

16 MS. PASS: It's the fact that it's a banner.

17 MS. MORENO: I know, but I think you need to
18 --

19 CHAIRMAN KORGE: Right. That's the
20 problem. That's the problem, because if you --

21 MS. MORENO: I would focus on time
22 limitations, as opposed to banning it absolutely.

23 MS. HERNANDEZ: Okay.

24 MS. MORENO: You know, I know, for example,
25 in my neighborhood, there's people, when they have a

1 new baby, they put up a stork and they have, you
2 know, the baby was born on such and such a day. I
3 think that's nice.

4 MS. HERNANDEZ: I think it's nice for about
5 24 hours.

6 MS. KEON: Well, but that's just it, 24
7 hours.

8 MR. BEHAR: Or it will say, "It's a boy,"
9 you know.

10 MS. KEON: Or 48 hours or something. I
11 mean, if you want to say --

12 MS. MORENO: Oh, my God.

13 MS. KEON: -- it's George's birthday, for 24
14 hours. But political signs, I think, are -- I think
15 political signs are under some other --

16 MS. HERNANDEZ: They have an increased
17 level of scrutiny with regard to regulations, if
18 you're dealing with content.

19 MS. KEON: Right.

20 MS. HERNANDEZ: If you're just dealing --
21 and again, how we have regulated signage in the
22 residential areas, we have not, in the past, dealt
23 with the issue of content.

24 CHAIRMAN KORGE: Well, let me just -- the
25 reason I ask that is for a very good reason, not to

1 suggest that we would regulate it by content, but the
2 opposite. Since we can't regulate it by content,
3 what you might find happening is that during the
4 political season, the sign goes up one day, it's
5 allowed for one day, it comes down one day, goes up
6 the next day, comes down the next day, so that, you
7 know, every other day it's showing up, so it's --

8 MS. KEON: Well, but I think that political
9 signage --

10 MS. PASS: That becomes a repeat violation.

11 MS. KEON: -- has a --

12 MS. HERNANDEZ: No, and listen, a one-day
13 ordinance, it will be stricken so quickly I won't
14 even have to go downtown to the courthouse. But, you
15 know, there are reasonable time, place and manner
16 restrictions that we can impose, and we believe --
17 and I'll get back to the banners. We do believe and
18 we are of the opinion that because we restrict -- and
19 I'll give you examples. Residential signs, you know,
20 for sale or for rent, have to be of a certain size,
21 of a certain -- at a certain location, certain
22 setbacks and so forth. Our Code has the same
23 restrictions.

24 Political signs have to be a certain size,
25 certain setbacks, one per candidate or one per issue.

1 We don't want 5,000 signs, but we also don't want to
2 prohibit you. You know, you may have a candidate
3 that you support for Mayor. The best example was the
4 recent election. There was the County, the State,
5 the local -- we had races all over, and so, you know,
6 people have individuals that they support at all
7 levels of government and they want to be able to put
8 up their signs. So, you know, allowing one sign per
9 candidate is a reasonable restriction or position.

10 CHAIRMAN KORGE: If we start allowing
11 banners for a happy birthday or whatever --

12 MS. HERNANDEZ: Then you have to allow it
13 for everything.

14 CHAIRMAN KORGE: -- they can use it for
15 political purposes.

16 MS. HERNANDEZ: Right.

17 CHAIRMAN KORGE: It's going to have to be
18 allowed.

19 MS. HERNANDEZ: Right.

20 MS. MORENO: Yeah, but you could do banners,
21 restrict banners as to time and leave the signs --

22 CHAIRMAN KORGE: Well, Liz just suggested
23 the opposite.

24 MS. HERNANDEZ: You can, but you have to --
25 you know, you can -- look, a reasonable time

1 restriction on a content-neutral, and in the memo
2 that I provided to you, I provided to you the test
3 that the court looks at, and if it is content-based,
4 it's strict scrutiny, so we would have to allow them
5 for significant periods of time. Time/manner
6 restrictions are very difficult to win on.

7 If it's content-neutral, then what we can do
8 is, we can limit time, reasonable and permissible
9 time, place and manner restrictions, so long as we're
10 advancing a legitimate government interest, and
11 again, our legitimate governmental interest is, you
12 know, we don't want the proliferation of signage in
13 the City, regardless of what it says. That's why we
14 limit residential. We limit commercial signs. We
15 cite contractors.

16 We had gotten into this season of -- every
17 single subcontractor and the contractor were all
18 putting up their signs on the property. Y'all
19 amended the sign code, one sign. So the general
20 contractor can put up their sign or one of the subs.
21 Several of our subcontractors got cute and they were
22 putting -- like the roofers were putting the names on
23 their wheelbarrows, and then at night or in the
24 afternoon, you know, putting the wheelbarrow upside
25 down, so that the name was there. We cited them,

1 because it's one sign visible from the street, and
2 the idea is because we don't want the proliferation
3 of signage on our streets.

4 If we start getting into, it's a baby,
5 versus X Roofing or Y Porta-Potty or -- you know,
6 then we're getting into content, and that is much
7 more difficult to sustain. So, as we move forward
8 and as you review some of the materials that I've
9 given to you, I would ask you to review it with an
10 eye towards that. We expect that in either October
11 or November, we'll be coming back with some more
12 definitive language for you.

13 There's a few cases on appeal. There's a
14 couple of cities that have been challenged, again,
15 and so sign codes are being challenged throughout the
16 State, and we're just making sure that we're at the
17 cutting edge of whatever is going on.

18 MS. MORENO: I know, but I think that you
19 can make an exception for special event banners.

20 MS. HERNANDEZ: Sure.

21 MS. MORENO: You don't have to ban the whole
22 world to accomplish, you know --

23 MS. HERNANDEZ: No, I know.

24 MS. MORENO: -- your goal.

25 MS. HERNANDEZ: You don't.

1 MS. MORENO: And, you know, I see nothing
2 wrong with, the day UM and FSU play, my neighbors
3 flying the FSU flag or the UM flag or whatever, and,
4 you know, and if someone has a baby and they want to
5 put up a stork, let them.

6 CHAIRMAN KORGE: But then you're going to
7 have to let everybody else do it, too.

8 MS. MORENO: But work around that. I mean,
9 you don't have to say --

10 MS. HERNANDEZ: We will.

11 MS. MORENO: One thing is to say, if it's a
12 sign, if it's a permanent sign, then we're banning
13 it, you know, or we're saying it's got a limitation
14 of one per house, but what if the only thing I want
15 to put up on my house is my UM flag, on UM Hurricane
16 football days, or whatever, or FSU football days?
17 Why can't I do that, when I don't have anything else
18 on my house? I think you need to be careful, because
19 otherwise you're going to end up with --

20 MS. HERNANDEZ: A very disgruntled property
21 owner.

22 MS. MORENO: -- a sterile community.

23 MS. HERNANDEZ: You're right.

24 MS. MORENO: And I don't want to be sterile.

25 MS. HERNANDEZ: And we want to do a

1 balancing of --

2 CHAIRMAN KORGE: Do you think we're sterile
3 now?

4 MS. MORENO: No.

5 CHAIRMAN KORGE: This is the existing law
6 we're talking about. That's what it is right now.

7 MS. MORENO: Well, I don't know how much you
8 enforce it, because I see banners all over the place.
9 So either we're not enforcing it or it isn't
10 prohibited by the current law. There's banners all
11 over my neighborhood, which I like.

12 MS. HERNANDEZ: Well, you've read the
13 current -- I know where she lives, so send Code
14 Enforcement tomorrow.

15 MS. MORENO: I like them. I like them. I
16 want to allow them.

17 MS. KEON: But do they exercise some
18 discretion in the enforcement of these things?

19 MS. PASS: Do they? I need check with Code
20 Enforcement. But I can tell you, over the holidays,
21 at what point is it too much? What about when you
22 have a person that has so much electric, lighting up
23 the world with different themes in his yard, and it
24 becomes an attractive nuisance, because now everybody
25 is parking on that street, to stop, to get out to

1 look at everything.

2 MS. HERNANDEZ: But we had a case in
3 December where someone put an offensive holiday
4 decoration, and I was in a position where -- you
5 know, because they put a pretty little hat, that was
6 a Santa hat, you know, they were saying, "This is my
7 holiday decoration." You know, you have to also be
8 able to defend your case with a straight face, you
9 know, and it's very difficult to do that sometimes.
10 So just be aware that we have to be -- wise.

11 MS. KEON: But if you limited it to a
12 certain number of days from the time that they
13 initiated the, you know, setting up of this thing
14 until after Christmas, they couldn't be too huge,
15 because they can't get them up that quick. I mean,
16 if you just -- it should limit it to what's --

17 MS. HERNANDEZ: Right.

18 MS. KEON: -- a reasonable thing in your
19 yard.

20 MS. HERNANDEZ: And we'll look at that.
21 We'll look at time restrictions and, you know, my
22 biggest concern, again, is the large banners that go
23 across the property and stay there for a long period
24 of time.

25 MS. MORENO: Limit the size of the banner,

1 but don't prohibit it absolutely.

2 MS. HERNANDEZ: Okay.

3 MS. MORENO: I have no problem with saying,
4 hey, the banner can't be more than, you know,
5 two-by-four, or whatever it is you want to do, I
6 mean, reasonable. I'm not talking about saying, now,
7 the banner needs to be the size of an index card.

8 MS. HERNANDEZ: Okay, this big.

9 MS. MORENO: But, you know, the normal
10 banner that you have. I don't know how big they are,
11 but the normal banners that hang, allow that. I
12 mean, that's part of having a colorful community.

13 MS. HERNANDEZ: Are those pennants or
14 banners?

15 MS. KEON: Is that considered a banner?
16 What's a banner?

17 MS. HERNANDEZ: Well, the banners that we're
18 talking about are ones that stretch across the
19 property, not the decorative flag, like, that hangs
20 outside the property.

21 MS. KEON: What about those seasonal things,
22 you know, those flags people put up? You see them
23 once in while down here now, that -- like it has an
24 oak leaf and an acorn in the fall, and at Eastertime
25 there's like a bunny on it, and it's like on a little

1 flagpole on people's homes.

2 MS. HERNANDEZ: Right. That's what I was
3 talking about.

4 MS. KEON: Yeah. What about those?

5 MS. HERNANDEZ: I called it a flag, but --

6 MS. KEON: That is a flag.

7 MS. PASS: That's a flag, and they're an
8 attention-getting device.

9 MS. KEON: And they are prohibited?

10 MS. PASS: Yes.

11 MS. HERNANDEZ: And Margaret applies the law
12 equally to all.

13 MS. MORENO: She has to.

14 MS. HERNANDEZ: She has no choice.

15 MS. MORENO: But that's why I'm saying, we
16 don't want it to be, you know, a plain white,
17 everything is perfect community. I don't want that.
18 I want to be in a lived-in community.

19 MS. HERNANDEZ: I hear the direction of the
20 Board, and we understand that you're increasing the
21 review from just political signs and banners to
22 review of banners in the City and other attention-
23 grabbing devices.

24 MS. PASS: But we do appreciate the change
25 that you are making for the political signs, because

1 that helps us really more define --

2 MS. HERNANDEZ: And we'll bring back
3 the final version.

4 CHAIRMAN KORGE: Well, I just want to
5 express my concern that we don't create a loophole
6 you can drive that 8,500-pound SUV through, so --

7 MS. MORENO: Yeah. I think you need to do,
8 as you say, time, place and manner restrictions,
9 maybe say, you know, for this purpose, a banner is no
10 bigger than this size and it doesn't stay on more
11 than the day of the event that it's celebrating or
12 whatever. If I want to celebrate Cinco de Mayo and I
13 want to hang my Mexican flag, I'm allowed to do that.
14 So why can't I hang my flag celebrating the Marlins
15 World Series win, or, you know, my flag, you know,
16 supporting the Dolphins?

17 MS. HERNANDEZ: Right.

18 MS. MORENO: So I think you certainly don't
19 want something that stretches across the length of
20 the property. Specify the size that's allowed. But
21 don't prohibit -- don't throw out the baby with the
22 bath water, I guess is what I'm saying.

23 MR. SALMAN: As a way of restricting it, and
24 adding to what Cristina is saying, we already have
25 signage -- commercial signage requirements. I mean,

1 you can use that as a model, no more than so much --

2 MS. HERNANDEZ: Right.

3 MR. SALMAN: -- area that you're going to be
4 covering. I'm thinking about holiday signage and
5 holiday events that happen on people's lawns,
6 which --

7 MS. HERNANDEZ: Right.

8 MR. SALMAN: -- in some cases do go
9 overboard, but we understand that it's the holiday,
10 but even so, beyond a certain amount, it becomes an
11 attractive nuisance, as you say.

12 And again, all these rules are about polite
13 behavior.

14 MS. HERNANDEZ: Exactly.

15 MR. SALMAN: Right? And doing something
16 that doesn't offend your neighbor, hoping that he
17 doesn't do anything that offends you.

18 MS. HERNANDEZ: Right.

19 MR. SALMAN: And I think that, as Cristina
20 was suggesting, those definitions of banners as to
21 being a size, time limitation, or exceptions due to
22 holiday or holiday-related.

23 MS. HERNANDEZ: Right.

24 MR. SALMAN: You may want to even add the
25 words of good taste, but, I mean, that's something

1 that becomes a big problem, because how do you define
2 taste? But certainly things that are appropriate.

3 MS. HERNANDEZ: Okay. We have your
4 instructions. We'll be back.

5 CHAIRMAN KORGE: Okay. Thank you.

6 MS. HERNANDEZ: Thank you so much.

7 CHAIRMAN KORGE: Since there's nobody left
8 in the public, I think it's safe to say there's no
9 public comments on this one.

10 MS. HERNANDEZ: Walter lives in the City.

11 CHAIRMAN KORGE: Walter, do you have
12 anything you want to add? Would you like to add
13 anything, Walter?

14 MS. MORENO: Walter, you're "no one."

15 CHAIRMAN KORGE: I guess that concludes our
16 meeting for today.

17 MR. RIEL: I just -- I don't know, Liz, do
18 you want to mention you're having a seminar in
19 November?

20 MS. HERNANDEZ: Well, I was, until the
21 Biltmore evicted us.

22 MR. RIEL: Okay.

23 MS. HERNANDEZ: We were -- we had
24 tentatively scheduled a seminar for November 17th and
25 18th. The Biltmore is booked, and so we may have --

1 we're hoping it will be in November. I don't want it
2 to be too close to Thanksgiving, but, you know, it
3 looks like we're getting closer to Thanksgiving than
4 I would want.

5 MR. RIEL: And the seminar is to --

6 MS. HERNANDEZ: Well, the seminar is our
7 biannual seminar that we have on Sunshine Law ethics,
8 intergovernmental responsibilities and relationships.

9 One of the things that we are bringing to
10 you this year grows on the issue of our zoning and
11 land use boards, how you play together, how what
12 Board of Architects impacts what Planning & Zoning
13 Board does, and that will be a Saturday morning
14 session, but we also have now the DRC, the
15 Development Review Committee, which we want to give
16 you some more information on, as to how we are trying
17 to fine-tune all the projects that do come to you,
18 and so the seminar is going to be, I believe, fairly
19 exciting.

20 We are also, you know, bringing in our tour.
21 We've expanded it from just -- not just the historic
22 tour of the historic areas of the City, but we also
23 wanted to make sure that we went into like the North
24 Ponce area, the -- you know, the Business Improvement
25 District, so that some of the projects that you have

1 approved, we can go by, see what works, see what
2 doesn't work. Obviously, it's going to be quicker
3 than, you know, a casual stroll by yourself, but it's
4 just to give you a context of where we are and where
5 we would hope to be. And that's it.

6 CHAIRMAN KORGE: Thank you.

7 MR. RIEL: And just pursuant to the
8 discussion earlier, the next meeting is October 12th.

9 CHAIRMAN KORGE: October 19th?

10 MR. RIEL: 12th.

11 CHAIRMAN KORGE: 12th?

12 MR. RIEL: 12th is our regular meeting.

13 CHAIRMAN KORGE: It says here October -- on
14 your --

15 MR. RIEL: That's the Zoning Code. We have
16 our regular meeting on October 12th.

17 CHAIRMAN KORGE: On October 12th.

18 MS. HERNANDEZ: Okay, so zoning is October
19 19th. We may have these provisions back to you by
20 then.

21 CHAIRMAN KORGE: Okay, and October 5th,
22 those who care to attend the workshop of the City
23 Commission, it will be held October 5th at 8:30 a.m.,
24 at the Biltmore Hotel.

25 MR. RIEL: Correct.

1 CHAIRMAN KORGE: We're adjourned.

2 MS. HERNANDEZ: Thank you.

3 (Thereupon, the meeting was adjourned at
4 8:00 p.m.)

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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I, JOAN L. BAILEY, a Notary Public in and for the State of Florida at large, do hereby that all witnesses were duly sworn by me.

DATED this 22nd day of September, 2005.

JOAN L. BAILEY, RDR

Notary Commission Number DD 190412.
My current notary commission expires 6/14/07.

